

SCHEDULE B

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Item No: 12

Between 14/04/2018 and 23/05/2018

Appn Ref No:
17/0802**Applicant:**
Mr D Williamson**Parish:**
Wetheral**Date of Receipt:**
22/09/2017**Agent:**
Jock Gordon Architectural
SVS Ltd**Ward:**
Great Corby & Geltsdale**Location:**Land adjacent 12 The Whins, Heads Nook,
Brampton, CA8 9AL**Grid Reference:**

349228 555159

Proposal: Erection Of 1no. Dwelling (Outline) (Revised Application)**Amendment:**

REPORT**Case Officer:** Stephen Daniel**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Report:****Appeal Decision:** Appeal Dismissed**Date:** 04/05/2018

Appeal Decision

Site visit made on 17 April 2018

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th May 2018

Appeal Ref: APP/E0915/W/17/3192682

Land adjacent to 12 The Whins, Heads Nook, Brampton, Cumbria CA8 9AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr D Williamson against the decision of Carlisle City Council.
 - The application Ref: 17/0802, dated 19 September 2017, was refused by notice dated 17 November 2017.
 - The development proposed is the erection of one detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The development proposal was submitted in outline with all matters except for access reserved for future approval. Whilst a block plan has been provided which shows, in addition to the proposed access route, a footprint for the proposed dwelling, siting is one of the matters reserved for future approval. I have, therefore, treated the footprint of the building shown as being for illustrative purposes only and determined the appeal on this basis.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of the adjacent residential properties, with particular regard to noise and disturbance.

Reasons

4. Policy SP6 of the Carlisle District Local Plan 2015-2030 (the Local Plan) expects new development, amongst other matters, to ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses. The National Planning Policy Framework (the Framework) also seeks to ensure that new development is of a high design quality that results in a good standard of amenity for all existing and future occupiers of land and buildings.
5. The appeal proposal would result in a new dwelling being situated to the rear of two existing dwellings, numbers 12 and 14 The Whins, with the vehicular access passing between the two dwellings. This would involve relocating the existing boundary fence between the garden areas of these houses to create the access route.

6. I saw when I visited the site that number 12 The Whins has a ground floor window to a habitable room on the side elevation and at the rear there is a conservatory and a decking area. The neighbouring dwelling at number 14 has several windows in the side elevation that would face the proposed new access. In addition, **this dwelling's** principal outdoor space, including a raised decking area would also be located adjacent to the new access. The overall extent of this outdoor space would be slightly reduced by the repositioning of the boundary fence to create the new vehicular access.
7. The proposed access to the new dwelling would pass approximately 1 metre from the side elevation of number 12 and would result in additional vehicle movements, close to the side window and the conservatory at the rear of the house. The distance to number 14 would be slightly greater, however, a greater number of windows would be affected. Although the number of vehicle movements associated with a single dwelling would not be large, the proximity of the access to the adjacent dwellings would exacerbate any disturbance caused by passing vehicles. The proposed access point would also result in increased noise at the rear of both existing dwellings from vehicles starting and manoeuvring, vehicle doors opening and closing, the operation of vehicle audio systems and the general movements associated with residential occupation.
8. Consequently, I consider that the proximity of the proposed access to the new dwelling is such that noise and disturbance from vehicles using the access would cause substantial harm to the living conditions of the occupiers of the adjacent residential properties.
9. **I have noted the appellant's point that he** owns the properties to either side of the proposed access could make any alterations required to properties. Whilst it is suggested that the ground floor window in the side elevation of number 12 could be blocked up, this would not resolve the issue of noise to the rear of the property affecting the conservatory and rear decking area, where occupiers might reasonably expect lower noise levels.
10. It is also suggested that the proposed height of the fence to each side of the access could be increased from 1.8 metres to 2 metres. No evidence has been provided in respect of how much additional noise attenuation would be achieved by this, however, as this would not result in a significant increase in the overall height, it would not, in my judgement, be sufficient to make the proposal acceptable.
11. In addition, I observed during my site visit that the principal external space of number 14 is not large and is currently enclosed by a tall fence. The reduction in the size of this external space to accommodate the creation of the new access, combined with increasing the fence height to 2 metres would result in this external space appearing oppressively constrained. Consequently, I would **concur with the Council's position that alterations to the existing properties** would not overcome the harm that would be caused by the new access.
12. **I have also had regard to the appellant's point that an access has been created** to a new development site further up the street. I was able to see this on my site visit. Whilst this access passes close to an existing property, it passes the front elevation and as such is not directly analogous to the appeal proposal. This access would not affect accommodation at the rear of the properties that it runs between to the same extent as the appeal proposal.

13. I am mindful that the Council consider that the appeal site is in a suitable location in terms of access to shops, services and facilities and have not raised objections to the proposal on highways grounds. However, these points do not outweigh the harm that would result from the use of the proposed access.
14. I therefore conclude that the proposed development would cause harm to the living conditions of the occupiers of the adjacent residential properties with particular regard to noise and disturbance. It would conflict with the relevant requirements of Policy CP6 of the Local Plan and the Framework which seek to ensure that new development does not prejudice the living conditions of the occupiers of existing buildings.

Conclusion

15. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR