



**Lake District
National Park**

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**Report from the Head of Development Management to the
Development Control Committee**

Application number:	7/2024/5591
Application type:	Full Planning application
Applicant:	Mr Steve Bowers
Location:	4, Annisgarth Drive, Windermere, LA23 2HD
Grid reference:	341007 497176
Proposal:	Erection of detached garage / office building and installation of new tarmac hard court sports pitch within curtilage of dwelling
Report prepared by:	Kelsey Blain, Planner
Report agreed by:	Kevin Richards, Planning Manager
Recommendation:	APPROVE with conditions

1 About this report

- 1.1 The case planner has prepared this report, assessment and recommendation taking into account our policies (known as the Development Plan), written representations we have received, and any other material considerations.
- 1.2 Material considerations are things that are relevant to our decision making and which we are able to take into account – for example site specific factors, or Government planning policy (the National Planning Policy Framework) and Government planning guidance (the National Planning Practice Guidance).
- 1.3 The Development Control Committee will determine the application at its meeting having regard to the provisions of the Development Plan, representations we have received, and all other material considerations, following a verbal and visual summary of the application by the case

planner and, where applicable, after hearing any verbal representations made in accordance with our Policy for Public Speaking at Meetings.

- 1.4 Most applications are decided under powers delegated to the Head of Development Management. A small number of significant or more contentious applications are considered by our Development Control Committee as set out in our Scheme of Delegation.

2 Background and proposals

- 2.1 This application is being reported to Committee as the recommendation to approve with conditions is contrary to the objections of Windermere and Bowness Town Council.
- 2.2 4 Annisgarth Park is a modern detached dwelling set within large grounds on a cul-de-sac to the north-east of Bowness-on-Windermere. Planning permission was granted in August 2023 (7/2023/5312) for the construction of a two storey extension and alterations to the existing dwelling. Amendments to the design of the development including the size of the ground floor extension were approved under application 7/2023/5577. Work on the implementation of these permissions has now commenced.
- 2.3 This application now seeks planning permission for the erection of a detached garage/office building to the north-east of the house and installation of a tarmac hard court sports pitch to the west.

3 Representations

- 3.1 Windermere and Bowness Town Council object to the application on the following grounds:
 - The proposed sports pitch is unneighbourly and would generate noise which would have an adverse effect on the quiet enjoyment of this exclusively residential area.
 - Addition of extra car parking spaces suggests that it could facilitate the use of the sports ground by non-resident visitors.
 - No details of external lighting provided.
 - Loss of trees.
 - Increased hard surfacing increases flood risk and reduces biodiversity on the site.
 - The development would be an incongruous addition, inconsistent with the character of the area.
- 3.2 Local Highway Authority and Lead Local Flood Authority requested details of existing and proposed parking and advised that the proposed garage is located within an area at 1 in 1000 chance of surface water flooding.
- 3.3 One letter of objection has been received which can be summarised as follows:
 - Hard court sports pitch is not in keeping with the neighbourhood or National Park.
 - Community sport facilities are available within a short walk.
 - No details of external lighting provided.

- Concerned that the development is intended for holiday rentals/short-term lettings altering the residential nature of the area.
- Sports pitch would have a detrimental effect on the environment and local flora and fauna.

4 Development plan policies and other relevant guidance

- 4.1 The relevant Development Plan comprises:
- The Lake District National Park Local Plan 2020-2035
- 4.2 The following Lake District National Park Local Plan policies are relevant to this application:
- Policy 01: National and international significance of the Lake District
 - Policy 02: Spatial strategy
 - Policy 03: Development and flooding
 - Policy 05: Protecting the spectacular landscape
 - Policy 06: Design and development
- Design Code Supplementary Planning Document
- 4.3 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in the determination of planning applications.
- 4.4 There is no community plan in this area.

5 Main issues and assessment

- 5.1 This is a householder application for development within the curtilage of the existing dwelling. Representations received have raised concerns about the potential use of the proposed sports court and dwelling by third parties, however no change of use is proposed under this application. The proposals are in accordance with the spatial strategy set out in Policy 02 and are acceptable in principle. The main issues in this assessment are:
- Character and appearance of the area
 - Amenity
 - Impact on trees
 - Highways and parking
 - Flooding

Character and appearance of the area

- 5.2 The dwelling is in the process of being significantly altered and extended following the approval of applications 7/2023/5312 and 7/2023/5577 and is surrounded by a large garden. Once completed, the dwelling will be of a contemporary design. The surrounding dwellings consist of a variety of non-traditional designs and forms including the adjoining neighbour 6 Annisgarth Drive which was granted planning permission for a large replacement dwelling of a contemporary design in 2023 (7/2023/5529).
- 5.3 It is proposed to construct a single storey garage/home office in the north-east corner of the site, adjacent to the boundary hedge. The building would

have an area of 52 square metres with a ridge height of 5 metres and would predominantly be finished in weathered Lakeland stone with a local slate roof. White coloured render would be used on the north and east elevations which would be screened from view by the surrounding vegetation.

- 5.4 The development may be partially visible from the adjacent highway, however the development is considered to be of an appropriate design and scale, appearing clearly subservient to the main house and completed in vernacular materials which contribute towards local distinctiveness. The submitted plans also indicate that a new boundary fence and gate will be erected across the existing access, largely screening views of the site.
- 5.5 It is also proposed to create a 280 square metre tarmac hard court sports pitch in the north-west corner of the site. Due to the topography of the site excavation works will be required along with the erection of gabion basket retaining walls to facilitate the development. Due to the location of the proposed court in the far corner of the site, the surrounding tree cover and intervening development, the proposals will not be visible in any public views. The applicant's agent has confirmed that there are no plans to install external lighting or fencing around the court.
- 5.6 Given the design and scale of the proposed garage/office and lack of public views of the proposed hard court sports pitch, I am satisfied that the proposed development would not detract from the character and appearance of the wider area.
- 5.7 The application satisfies the requirements of Local Plan Policies 01, 02, 05 and 06, the Design Code SPD, and the NPPF.

Amenity

- 5.8 Concerns have been raised about the impacts of the proposed sports court on neighbour amenity through noise and light pollution.
- 5.9 The application site is only adjoined by one neighbouring dwelling; 6 Annisgarth Drive which occupies an elevated position approximately 19 metres to the south of the proposed court with intervening mature tree cover.
- 5.10 I am satisfied that the use of the proposed court would be consistent with the level of noise that may be expected from the use of a domestic garden and also note that the position of the court in the lowest area of the site and surrounding tree cover, would be likely to minimise any potential noise from the use of the development.
- 5.11 The agent has confirmed that no external lighting is proposed and I am satisfied that the future installation of such lighting could be controlled by condition.
- 5.12 I am satisfied that the development would not have an unacceptable impact on amenity due to noise or light pollution. The development is acceptable in

terms of its impact on amenity and satisfies the requirements of Local Plan Policy 06, the Design Code SPD and the NPPF.

Impact on trees

- 5.13 The site is bounded to the north and west by an area of Local Green Space, designated for amenity reasons. This area is largely wooded and while the trees are not protected, they are considered to contribute to the visual amenity of the area. The arboricultural report submitted in support of this application has identified the relevant trees within this area and confirms that the proposals would be located outside the root protection area of these trees with only some pruning required to facilitate the development.
- 5.14 It is also proposed to fell three Category C trees which are located within the application site. These trees are low quality and their removal is considered to be acceptable.
- 5.15 I am satisfied that subject to the works being completed in accordance with the recommendations set out within the arboricultural report, the proposals will not have an unacceptable impact on trees and accord with the requirements of Local Plan Policies 04 and 05, and the NPPF.

Highways and parking

- 5.16 The Local Highway Authority requested details of existing and proposed parking as the application form states that the proposals will create 3 additional parking spaces within the curtilage of the dwelling.
- 5.17 The application has been supported by existing and proposed site plans and as the proposals will increase the provision of off-street parking I do not consider it reasonable to require additional drawings in relation to this issue.
- 5.18 Given the increase in off-street parking provision I am satisfied that the proposed development is acceptable in relation to highway safety.

Flooding

- 5.19 A small portion of the site is located within an area at 1 in 1000 chance of surface water flooding and the Lead Local Flood Authority has advised that this should be considered in the garage plans.
- 5.20 A very small portion of the building would be located within the identified area, however its use as a garage/office would be a less vulnerable use, as identified within Annex 3 of the NPPF. Furthermore, the proposed garage would occupy a slightly elevated position with a raised finished floor level. I am therefore satisfied that the proposed development would be safe from the impacts of flooding and would not increase the risk of flooding elsewhere.
- 5.21 The application is acceptable in relation to flooding and satisfies the requirements of Local Plan Policy 03 and the NPPF.

6 Conclusion

- 6.1 The proposals are considered to be of an appropriate design and scale which would not detract from the character and appearance of the area or the amenity of neighbouring dwellings.
- 6.2 Having regard to the provisions of the development plan, in particular Lake District National Park Local Plan Policies 01, 02, 03, 05 and 06, the Lake District Design Code SPD, and other material considerations (including the provisions of the NPPF), the development is considered to be acceptable, subject to the conditions recommended.

RECOMMENDATION: APPROVE with conditions

Conditions/Reasons

- 1 The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in conformity with the following submitted plans and details received by the Local Planning Authority:

Drawing no. 1082-PL(00)02 rev A - Proposed Site Layout, Plans and Elevations

REASON: For the avoidance of doubt.

- 3 Details of any external lighting shall be submitted to, and agreed in writing by, the Local Planning Authority prior to installation. Such lighting shall be maintained in accordance with the approved details thereafter.

REASON: To protect the amenity of neighbouring dwellings in accordance with Plan Policy 06 (design and development) of the Lake District National Park Local Plan 2020-2035.

- 4 The development hereby permitted shall not be undertaken other than strictly in accordance with the recommendations detailed in section 6 of the submitted pre-development arboricultural report.

REASON: For the avoidance of doubt and to minimise the risk of damage to retained trees.

NPPF decision notice requirements

Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 35(2) statement.

The Local Planning Authority did not identify problems arising in relation to dealing with the application.

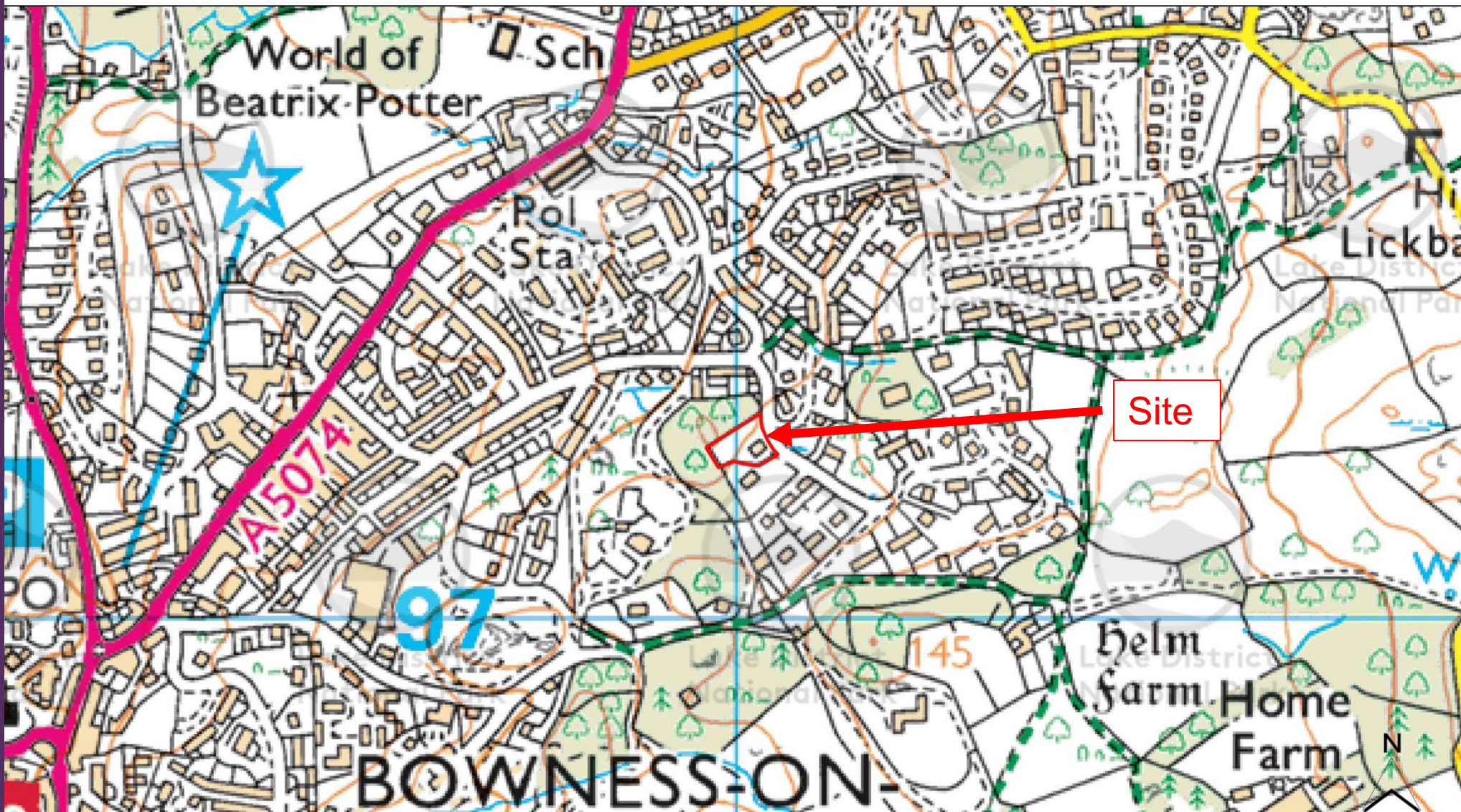
Background papers

Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.

7/2024/5591

4 Annisgarth Drive, Windermere, LA23 2HD

Erection of detached garage/office building and installation of new tarmac hard court sports pitch within curtilage of dwelling



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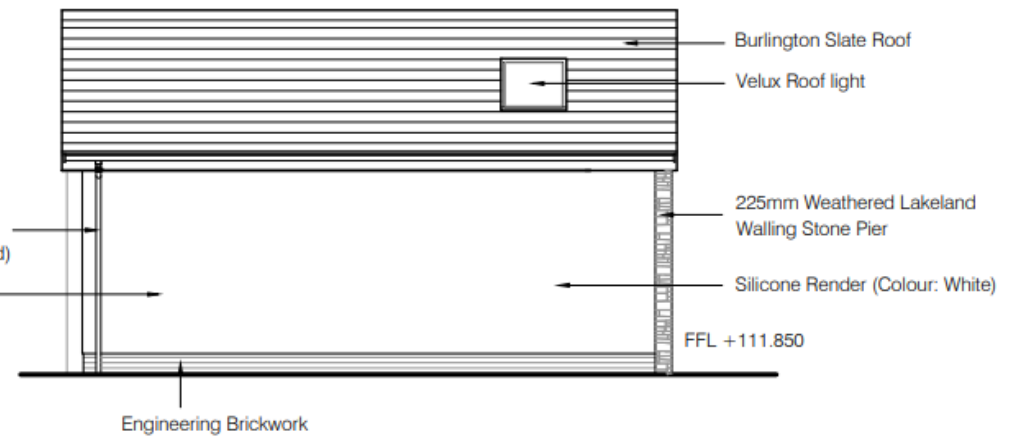
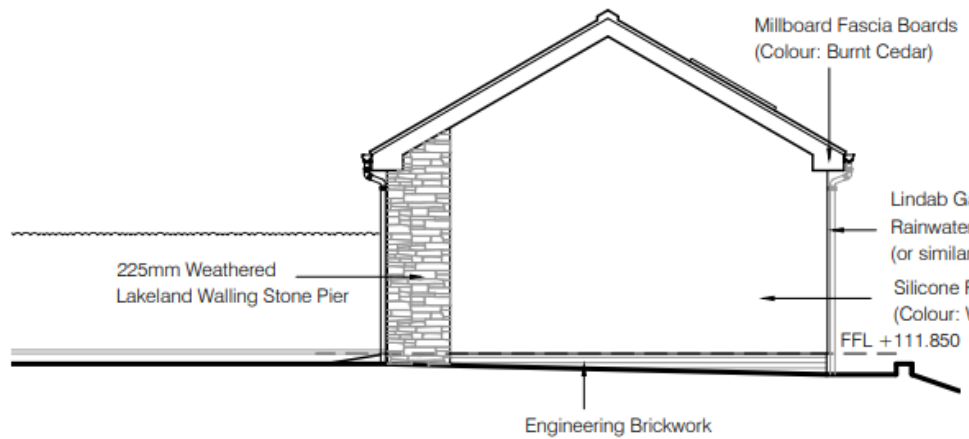
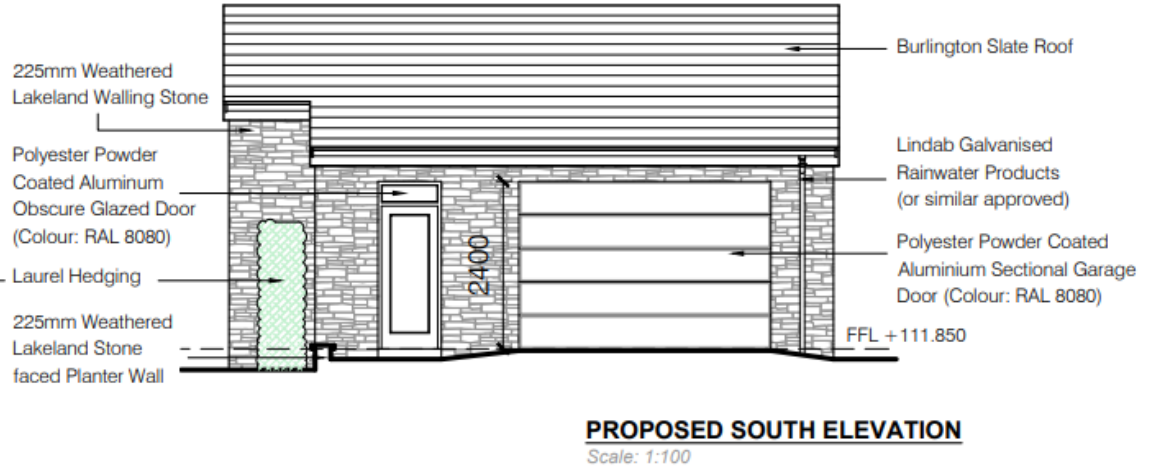
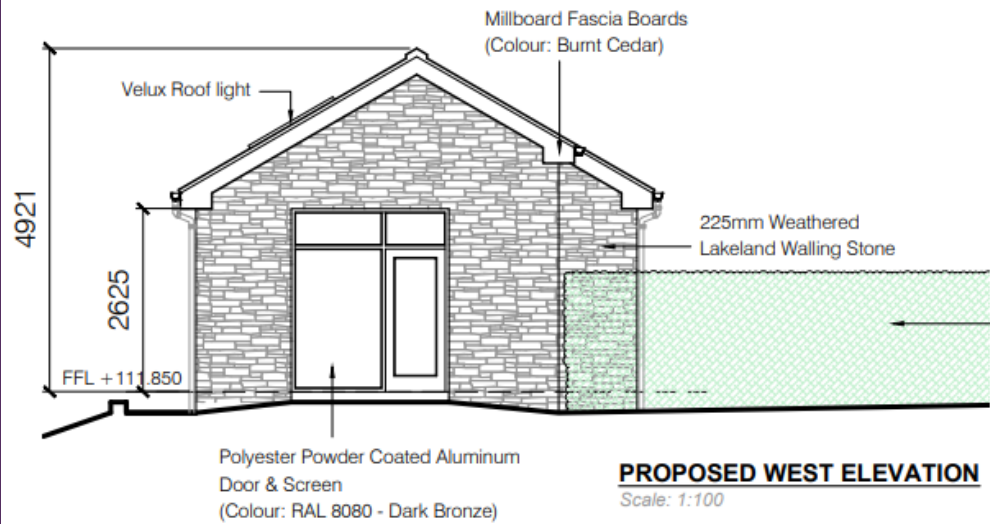


Application Site





Proposed Elevations



Proposed Floor Plans

