

## **PLANNING APPLICATIONS REFUSED BY THE HEAD OF DEVELOPMENT MANAGEMENT ACTING UNDER DELEGATED AUTHORITY**

### **Cumberland**

7/2024/2213 S73 (Amend/Delete Condition)

East Lodge, Hundith Hill, Cockermouth, Cumbria, CA13 9TH

New garage with car port - variation of condition 5 (slates) of planning permission 7/2021/2177 to change roofing material.

The application site is within an area of exceptionally high landscape and cultural heritage value designated as both a National Park and as the English Lake District World Heritage Site. The Design Code SPD outlines the importance of local slate roofs which make a significant contribution to sense of place. Imported slate or alternative roof coverings are not an acceptable alternative to local slate and fail to reinforce local distinctiveness and in particular retain a smooth and uniform colour and texture which does not weather in the same way as local slates.

The proposed glass fibre reinforced concrete product known as 'Greys Westmorland Green Slate' has a highly plasticised appearance given its composition, which would be publicly prominent as a result of the host roof's large size, close relationship to the public road and proximity to genuine local state roofs. The proposed use of a reproduction slate would be at odds with the palette of locally sourced materials used in vernacular buildings and would fail to reflect local distinctiveness or sense of place, would fail to reinforce the importance of local character, contrary to Policies 01, 02, 05 and 06 of the Lake District National Park Local Plan and would not satisfy the requirements of the Design Code SPD.

The proposed roofing material would impact on attributes of Outstanding Universal Value representing harm to a designated heritage asset. This harm is less than substantial harm for the purposes of the NPPF but not outweighed by any identifiable public benefits, contrary to Policy 07 of the Lake District National Park Local Plan.

T/2024/0166 TPO application

Fell View Park, Gosforth, Seascale, Cumbria, CA20 1HY

T5 Beech; T6 Beech; T9 Beech; T10 Beech; T11 Norway Maple; T12 Beech; T13 Beech; T14 Norway Maple; T15 Beech; T16 Beech; T17 Beech; T18 Beech; T19 Beech - all crown reduction by 4m; T7 Scots Pine and Ash tree (not covered under original TPO) - additional advice requested in relation to these trees as crown reduction may not be appropriate

### **Westmorland and Furness**

7/2024/3126 Full Planning application

Granny Dowbekins, Pooley Bridge, Penrith, CA10 2NP

Proposed extension to outdoor terrace seating area up to the bank of the River Eamont

The proposed development would be located within the functional floodplain, flood zone 3b (land where water has to flow or be stored in times of floor). The proposed development for a terrace to the existing cafe is less vulnerable development which the National Planning Policy Framework states is not compatible with flood zone 3b.

The development would result in flood risk to property in Pooley Bridge both upstream and downstream of the proposed development. The impact of the development on the conveyance capacity of the river has the potential for the most significant impact on flood risk locally.

The proposed terraced seating area is likely to reduce flow velocity under and adjacent to the structure and therefore reduce the capacity of this reach of the River Eamont to convey flood flows. This could increase peak water levels and flood risk upstream.

On the basis of the information submitted, the application has failed to demonstrate that the proposed terrace would not flood; would not increase flood risk elsewhere or that it would help to reduce the overall level of flood risk in and around the area.

The proposals are contrary to Policy 03 (Development and flooding) of the Lake District National Park Local Plan 2020-2035 and the National Planning Policy Framework.

The application fails to demonstrate that the proposed development would not have an adverse effect on the integrity of the River Eden Special Area of Conservation and the River Eden and Tributaries Site of Special Scientific Interest. The application is therefore contrary to Policy 04 (Biodiversity and geodiversity) of the Lake District National Park Local Plan 2020-2035, the Conservation of Habitats and Species Regulations 2017 and the National Planning Policy Framework.

7/2023/5565 Full Planning application

127 & 127A Craig Walk, Bowness-on-windermere, Windermere, LA23 3AX  
Change of Use of two dwellinghouses to six separate letting units/rooms

The conversion of the building to multiple holiday units would result in a missed opportunity to provide additional local needs dwellings. It has not been demonstrated that increasing the number of residential units occupying the building and securing the additional units for permanent local occupancy would be impractical. Indeed, given the character of the area, local occupancy housing would be eminently suitable in principle.

The subdivision of the building to six separate letting units / rooms would fail to contribute to meeting the needs of the local community and fail to help address the imbalances in the local housing market, contrary to the aims of Policies 02 (Spatial strategy), 15 (Housing) and 18 (Sustainable tourism and holiday accommodation) of the Lake District National Park Local Plan 2020 – 2035 and the accompanying Housing Supplementary Planning Document.

Given the location of the site, the scale and layout of the units and their relationship with neighbouring dwellings, the use of the site as holiday accommodation is likely to cause unacceptable harm to the amenity of neighbouring residential dwellings. The position of the building adjacent to neighbouring properties, the number of units in the building, and their small size (which would seem likely to increase the chances of guests using the outside

space in close proximity to neighbours) are particular factors that would result in harm to residential amenity.

The structures within the rear garden would give rise to the intensification of the use of the outside space, resulting in harm to the amenity of the neighbouring properties.

Due to these adverse impacts, the development fails to secure a good standard of amenity for the occupants of adjacent dwellings, contrary to Policy 06 (Design and development) of the Lake District National Park Local Plan 2020 – 2035 and the accompanying Housing Supplementary Planning Document, and the National Planning Policy Framework.

The development provides no parking. Although in a sustainable location that is well served by public transport, there is no guarantee all occupants will travel by public transport. Taking into account its characteristics, the development seems likely to attract a single vehicle on a fairly regular basis. Such vehicles would park on the public highway. Giving significant weight to the comments received from technical consultees on this matter, and in the absence of evidence to the contrary, the development poses unacceptable risks to highway safety and an inconvenience to neighbouring residents.

7/2024/5243 Listed Building Consent application

Tigers Eye, The Square, Hawkshead, Ambleside, LA22 0NZ

Replacement wooden non-illuminated shop sign above the door and front window.

Tigers Eye is a Grade II listed building, located in one of the historic squares of Hawkshead Conservation Area. The property is an 18th century dwelling, with a 19th century inserted shopfront. The proposed works would add a timber sign, the length of the shopfront, above the existing shopfront, sited on the wall of the building above the existing fascia and below the upper floor window. Installing a sign above the existing shopfront would harm the aesthetic significance of the listed building by extending the shopfront area to below the first floor window, adding additional visual clutter to a very plain and simple vernacular building. The property already possesses a shopfront, with a narrow but useable fascia board which could be utilised for the shop sign. The location of the proposed sign fails to comply with the shopfront code contained within the Design Code SPD - this makes clear that signage should not extend above the existing shopfront. The proposed works would cause harm to a listed building, which has high aesthetic significance and high group value, as well as contributing towards the special interest of Hawkshead Conservation Area. There are alternative options for providing signage and no justification has been provided for the harm caused or any wider public benefits identified to outweigh this harm.

Having special regard to the desirability of preserving the building and any features of special architectural or historic interest which it possesses, in accordance with the provisions of the Planning (Listed Building and Conservation Areas) Act 1990, harm should be attributed significant weight. It is considered that the harm to the listed building identified above amounts to less than substantial harm in the terms of the National Planning Policy Framework. Such harm should be weighed against any substantial public benefits of the proposal,

including securing its optimal viable use. There are no substantial public benefits to outweigh the harm identified from these proposals. The application is therefore contrary to the provisions of the Lake District National Park Local Plan 2020 - 2035, in particular Policy 06 Design and Development, Policy 07 Historic Environment, and the National Planning Policy Framework.

7/2024/5352 S73 (Amend/Delete Condition)

Chalet 3, Lake Bank, Water Yeat, Ulverston, LA12 8DL

Replacement timber chalet type dwelling - variation of condition 2 (plans) of planning permission 7/2022/5602 to change size and position of shed

The proposed outbuilding would be located within an area of woodland in the open countryside in Water Yeat. It is within an area of exceptionally high landscape value in the 'South Distinctive Area' of the Lake District National Park and within the English Lake District World Heritage Site. Both local and national policy give great weight to conserving and enhancing landscape and scenic beauty in national parks and to conserving the significance of heritage assets.

Due to its location within an undeveloped area of woodland, the building would appear incongruous and cause harm to the character of the local area when viewed from public views from the nearby Common.

The development would be contrary to the requirements of the Lake District National Park Local Plan 2020 -2035 Policies 01 (National and international significance of the Lake District), 02 (Spatial Strategy), 04 (Biodiversity and geodiversity), 05 (Protecting the spectacular landscape), 06 (Design and Development), 07 (Historic environment) and the requirements of the National Planning Policy Framework.

The proposed building would be located within a woodland protected by a Tree Preservation Order for its public amenity value. The proposed building would be within the root protection areas of an oak tree and result in pruning the tree for clearance. The siting of a building within this area would be likely to lead to future pressure to manage or fell the tree or trees to protect the building to the detriment of a woodland with high amenity value. The proposed development would therefore be contrary to Lake District National Park Local Plan 2020 -2035 Policies 04 (Biodiversity and geodiversity), 05 (Protecting the spectacular landscape) and 06 (Design and Development).

7/2024/5530 CLEUD - Certificate of Lawfulness of Existing Use or Development

The Workshop, Compston Street, Ambleside, Cumbria, LA22 9DP

Use of building as plumber's store and office

The evidence submitted in support of this application is not sufficiently precise or unambiguous to establish that on the balance of probabilities The Workshop has been used as a plumber's store and office for a continuous ten year period prior to the submission of this application. As such, the Certificate of Lawful Use (Existing) applied for under this application cannot be issued.

7/2024/5582 Full Planning application  
White Gates, Middle Entrance Drive, Bowness-On-Windermere, Windermere,  
LA23 3JZ

Demolish existing house and garage and replace with new dwelling and garage outbuilding

The existing house at the site displays positive characteristics of the established development of the Storrs Estate area. While it is not particularly architecturally distinguished, it sits comfortably in its landscape setting as a result of its size, position, orientation, form and materials.

The proposed house and its outbuilding would be larger and more strident than the existing. The house and outbuilding would be bigger and would appear bold and assertive as a result of the prominent gables, overhanging verge and eaves, exposed truss, expanses of glazing, balcony and glazed guardrails. The wide span of many of the elements, together with a marked line where stone meets render on the elevations would give it a pronounced horizontal emphasis. The overall result would appear in contrast with the softer established and generally cohesive character of the existing house and its surroundings.

As the development would cause harm to landscape character and visual amenity, this translates into harm to the attribute of Outstanding Universal Value of the English Lake District World Heritage Site relating to its extraordinary beauty and harmony, a less than substantial adverse effect on the World Heritage Site.

The proposed development as a result of its size, position, orientation, fenestration and some aspects of the detailed design treatment would be harmful to the established character of its setting and the visual amenity of the area. The development proposed is therefore not acceptable in terms of its impact on the character and appearance of the area and would be contrary to Lake District National Park Local Plan (2020-2035) Policies 01, 02, 05, 06, 07, the Design Code SPD and the NPPF.