

Appeal Decision

Site visit made on 6 July 2026

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 29 July 2026

Appeal Ref: 6009156

Fieldgate, Bampton, Penrith CA10 2QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Ms Maggie Hu of Maggie Hu Ltd against the decision of the Lake District National Park Authority.
- The application Ref is 7/2025/3102.
- The development proposed is extend the current extension to a stone outbuilding to provide dining space for the existing staying guests (maximum 38 people).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the application form includes 'Bampton on the C3043 to the U3172 at Hegdale'. As this is not part of the address for the site, I have omitted it from the banner heading above. Likewise, for clarity, I have removed Westmorland and Furness, which is the local authority district in which the property is sited, from the banner heading.
3. The proposal affects the setting of a listed building. Therefore, as required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the building and its setting.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area and whether it would conserve and enhance the natural beauty of the Lake District National Park (LDNP); and
 - whether the proposal would preserve the setting of the Grade II listed building, Field Gate Farmhouse¹.

Reasons

Character and appearance and LDNP

5. The site consists of several buildings: the listed farmhouse and single-storey outhouses to the rear; a linear arrangement of two storey outbuildings, which have

¹ List entry number: 1326807

been converted to residential use; a modern, wooden agricultural building; and the single storey, stone outbuilding which it is proposed to extend. The farmhouse, which has a large two-storey, modern extension, and the two storey outbuildings are used for holiday accommodation.

6. The site is reached by a narrow country lane and because of the openness of the landscape in this location, the farmhouse and its buildings are clearly visible when approaching it from the direction of Rosgill. The site is set amongst a pastoral landscape of fields bounded by stone walls with a backdrop of the Lake District fells.
7. The site is located within the designated LDNP where there is a statutory duty upon relevant authorities exercising their function to seek to further the purposes for which National Parks are designated. This includes conserving and enhancing their natural beauty, wildlife and cultural heritage. Paragraph 189 of the National Planning Policy Framework (the Framework) requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Parks, as well as the conservation and enhancement of wildlife and cultural heritage.
8. The stone outbuilding, the subject of this appeal, has been re-slatted in diminishing courses. Inside, the roof has been lined with wooden timbers, and it has a new floor and is currently used for storage. There are areas of concrete hardstanding around the building.
9. The proposed extension would be 10m in length and 8m wide. Attached to the eastern elevation, it would be much larger than the existing outbuilding, resulting in a sizeable structure. Because it would be built at 90 degrees to the existing building and have a different roof pitch, visually, it would appear as an awkward and incongruous extension to the original building.
10. Whilst the farmhouse is rendered on the front elevation, this is an historic material appropriate to the age of the building. The rear of the farmhouse is painted white, and I acknowledge that there is a historic precedent for white painted buildings. However, instead of providing a distinction between the original and new build, the use of a modern, white painted render on the extension would appear obtrusive and insensitive in this rural site. The design would be further undermined by extensive non-traditional glazing, particularly to the front where it faces the rear of the farmhouse, but also on the east elevation where it overlooks the surrounding countryside.
11. Despite the changes that have taken place to the existing buildings within the farmstead, and their use as holiday accommodation, the site continues to exhibit an agricultural character. This is enhanced by the traditional stone walls and fields surrounding the site. However, the design and use of modern materials for the extension would undermine the historic character of the site and its wider appearance.
12. I therefore conclude that the proposal would harm the character and appearance of the area, and the landscape and scenic beauty of the National Park. As such, the proposal would not further the statutory purposes of the National Park and I conclude that the proposed development would not conserve and enhance the natural beauty of the LDNP.

13. It would conflict with Policies 01, 02, 05 and 06 of the Lake District National Park Local Plan 2020-2035, 2021 (LP) which collectively requires development to respect the statutory purposes of the National Park and not result in an unacceptable change to its character. It would also not accord with paragraph 189 of the Framework, as it would not conserve and enhance the landscape and scenic beauty of the National Park, a matter to which I must give great weight.
14. The Authority has referenced LP Policy 04, biodiversity and geodiversity, in its reason for refusal. However, a bat survey, followed by an emergence survey, was carried out. The proposal represents a low risk to protected species and appropriate mitigation can be achieved by a suitably worded condition. Therefore, the proposal would accord with LP Policy 04.

Listed building

15. The proposed development is within the grounds of Field Gate Farmhouse, a two-storey, listed building with a slate roof. On the rear elevation, which is painted white, it has irregularly sited eight over eight sliding sash windows with painted stone surrounds. A taller, twelve over twelve sash window lights the staircase. The front of the farmhouse, which has a plain render finish, is symmetrically designed with a central doorway and similar windows to the rear.
16. The special interest and significance of the building, in relation to this appeal, derives from its architectural and historic interest. Considered to be late 18th century in date, it is an imposing building with a classical design shown by its height, symmetrical front elevation and high-quality features. These include the distinctive curved tracery within the sash window over the staircase, raised quoins and chimney stacks. The front of the farmhouse looking outwards into the landscape, rather than overlooking the farmyard, suggests a progression away from a more vernacular farmstead plan, and a house of some status.
17. Whilst the stone outbuilding is of no architectural merit, its simple form and traditional materials contribute to the character of the site as part of the historical evolution of the farmstead over time and its functional connection to the farm. The outbuilding is relatively close to the listed farmhouse, and the intervening area, covered by hardstanding and garden, is open in character. Consequently, the proposed extension to the outbuilding would be viewed within the setting of the listed building. Moreover, it would extend the built form from the enclosed envelope of the existing buildings into the wider garden which currently merges into the surrounding landscape. Even though it would be lower in height than the existing building, it would be sizeable in scale.
18. Furthermore, the use of non-traditional materials, a low pitch to the roof, and its connection to the existing outbuilding, would be at odds with the other buildings in the farmstead. Moreover, the over dominance of glazing, particularly on the front of the proposal, would be visually unsympathetic to the character and features of the listed building. Even though the farmhouse has a large two-storey extension, the openings, particularly on the rear elevation, are small and appear recessive so that they do not compete with the host building. Instead, the image of the proposal reinforces the case that the design, with its extensive glazing, would harm the site and the setting of the listed building.
19. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight

should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that any such harm should have a clear and convincing justification. Given the above, I find the harm to be less than substantial in this instance and limited in extent. Nevertheless, this harm to the significance of the designated heritage asset is of considerable importance and weight.

20. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The proposal is to provide dining space for up to 38 guests that would already be staying in the holiday accommodation. The appellant has set out several public benefits, including supporting a rural tourism business that operates all year round, and guests not needing to travel to other facilities. Additionally, it is stated that it would support local employment and local suppliers, improve the efficiency of the operation and ensure the long-term sustainability of the business.
21. The extension would have solar panels. I give significant weight to the need to support energy efficiency and reduce carbon emissions. However, there is no substantive evidence as to how much energy would be generated, whether the solar panels are for the energy needs of this building alone, and the overall benefits that would be provided to the energy requirements of the site.
22. I appreciate that providing a larger space for guests to gather and eat together would be an advantage for this tourism operation. However, there is limited substantive evidence as to how this building would be used in practice, including whether guests would provide their own meals in this space or whether this would be organised by the appellant. Whilst reference is made to supporting local employment and suppliers, no quantitative evidence has been provided of the numbers of people that would be employed and local suppliers used, and how much this is likely to contribute to the local economy.
23. Given the above and in the absence of any defined public benefit that would outweigh the harm that would be caused, I conclude, that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 212 of the Framework and would conflict with LP Policies 01, 02, 05 and 06 as set out above. As a result, the proposal would not be in accordance with the development plan.
24. Whilst the conclusion in the Authority's officer report refers to the proposal not being in accordance with LP Policy 07, historic environment, this is not listed in the reasons for refusal. Nevertheless, the proposal would conflict with this policy which seeks to conserve and enhance the significance of designated heritage assets.

Other Matters

25. The LDNP is a World Heritage Site (WHS), a designated heritage asset of the highest significance. Such sites are internationally recognised to be of Outstanding Universal Value (OUV). Its significance is in part derived from its mountainous character, glaciated valleys and numerous lakes, which has created a landscape of natural and cultural beauty, shaped by an agro-pastoral land use. Whilst I have found harm to the character and appearance of the area and the LDNP, in addition

to the setting of the listed building, the scale of the proposed extension would not harm the OUV of the WHS and harm its significance.

26. The appellant has provided photographs of other development that has been built close to the site. The Croft House, Rosgill, shows a rendered single storey building attached to a barn. The second example is of extensions to The Old Chapel at Bampton. However, I have no details of these proposals and whether they affect any designated heritage assets, like the appeal site. In any case, the circumstances of each case are likely to be different, and I have determined the appeal on its own merits, based on the evidence before me.
27. The appellant has referenced that there are no objections from third parties and that the Parish Council's objection relates only to the use of render. Notwithstanding this, I have determined the appeal on its own merits, based on the evidence before me.

Conclusion

28. The proposal would provide additional facilities for existing holiday accommodation. However, I have found that it would cause harm to the character and appearance of the area, and the landscape and scenic beauty of the LDNP. Moreover, it would cause harm to the setting of the grade II listed building, and this would not be outweighed by the public benefits that have been set out.
29. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and that warrant a decision other than in accordance with the development plan.
30. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

M J Francis

INSPECTOR



~~Fieldgate~~
House



Date Authored: 19/08/2026

Overview: 1:25,000

Park Authority 2026

Database right 2026 Ordnance Survey AC0000807483

Lake District
National Park Authority



Appeal Decision

Site visit made on 2 July 2026

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2026

Appeal Ref: 6006840

Lynwood, Blindcrake CA13 0QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Aaron Waterfield against Lake District National Park Authority.
 - The application reference is 7/2026/2013.
 - The development proposed is Replacement Dwelling.
-

Decision

1. The appeal is dismissed and planning permission for a replacement dwelling is refused.

Background and Main Issue

2. The Authority failed to determine the application within the prescribed period. Following the submission of the appeal, the Authority indicated that had it determined the application, planning permission would have been refused, with reasons given relating to the effect of the proposal on the Blindcrake Conservation Area (CA) and the setting of listed buildings.
3. The Authority's document titled 'What our decision notice would have said' refers to the listed buildings of Low Farm and Westgate Farmhouse and I have been provided with the official list entry of each of these buildings. However, the Authority's appeal statement refers to the listed buildings of Low Farm and Croft House. I have not been provided with the official list entry relating to Croft House. Nevertheless, I have been able to access this via Historic England's website.
4. Additionally, I have been provided with responses to the consultation process. Taking all of the available information into account, and from my own observations on site, the main issue in this appeal is the effect of the proposed development upon the designated heritage assets: Blindcrake CA, and the grade II listed buildings of Croft House and barns, Low Farmhouse and barns, and Westgate Farmhouse and adjoining barns.

Reasons

5. Blindcrake village is a small linear settlement of mainly traditional rendered and lime-washed farmhouses and cottages, as well as stone barns, which line the main street. These traditional buildings incorporate locally available building materials and are generally simple in overall form, with the farmhouses and cottages often demonstrating small window and door openings in relation to building frontages. None of the buildings in the village are visually dominant. Collectively, these

traditional buildings provide well preserved examples of Cumbrian vernacular architecture, both domestic and agricultural. Their architectural and historic interest adds to the special interest of the village, contributing positively to the significance of the Blindcrake CA.

6. The rural setting of the village is also of significance to the CA, with the CA boundary extending to take in its medieval field pattern. The arrangement of linear development often to one side of the road, then the other, and with open fields meeting the village green itself, there is a strong sense of the open countryside extending into the village. I agree with the Blindcrake CA Conservation Area Appraisal and Management Plan, February 2011, (CAAMP), that this places the village firmly within its rural landscape.
7. Low Farmhouse and barns, and Croft House and barns, are grade II listed buildings to the north and south of the village green respectively. Westgate Farmhouse and adjoining barns lie further south. The CAAMP describes these buildings as longhouses, two-storey buildings in which residential quarters and livestock shelters were housed under one continuous roof, which is evident from the architectural features of each, and which adds to their architectural and historic interest. Their rural village setting allows an understanding and appreciation of their historic development and function.
8. Under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), (the Act), I am required to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Under section 72 of the Act, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
9. The appeal site comprises a residential plot extending northwest from the road, in a central location opposite the village green. Land levels rise gradually from the main road. Lynwood is a modestly sized, 20th century bungalow, set at the rear of this plot and so some distance from the main road. Its presence is largely screened from this main road by trees both within its frontage and to its side boundaries. Whilst not of traditional appearance or materials, the impact of Lynwood on the character and appearance of the CA and the setting of the listed buildings identified above, including its decking, is fairly neutral given its small scale, set back, and limited visibility. The large, grassed frontage of the property, along with its low stone wall and wooden field style gate, contribute positively to the rural character of the village.
10. The proposed replacement dwelling would have two distinct sections at right angles, connected by a central hallway. It would be a notably larger scale of development than the existing bungalow, including a second floor partly utilising the roof of the northerly section. Its arrangement would result in a two-storey gable facing the road, with a set of wide glazed doors at ground floor level and a large picture window above. The front elevation would contain a further three large door/window openings. The proposed dwelling would be positioned further forward within the plot, clear of the existing dwelling, but aligned with the adjacent barn on the neighbouring plot and no closer to the road than a former building indicated on historical mapping.

11. This residential plot is large and even though it is set on rising land, it is capable of accommodating a larger dwelling than exists at present. The proposal would utilise slate for the roof, along with a stone and render finish to the walls, materials that are common within the village. A suitable condition could be imposed to control the precise details. While it would be set further forward than the existing dwelling, the proposed dwelling would remain set back some distance from the main road. Existing trees would be retained. As such, the proposed dwelling would not appear overly dominant as a result of its size or position. Nevertheless, it would be more prominent in views from the main road than the existing dwelling, given its larger scale and re-positioning further forward.
12. While the CAAMP encourages high quality, contemporary and sustainable design and materials, it requires that new development must be sensitive to, and respond positively to the historic setting in order to safeguard and enhance the sense of place. At paragraph 207, the National Planning Policy Framework (the Framework) advises that, 'local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary'.
13. Within the appeal statement provided, the appellant acknowledges the importance of the CA. However, the appellant's Design and Access Statement (DAS) and other submissions do not demonstrate a detailed analysis of the special interest of the Blindcrake CA, or the listed buildings nearby. As such, other than through the use of local materials, it is unclear how the specific design of the proposal has then been informed by, is sensitive to, and responds positively to its historic setting.
14. Of particular concern is the form and fenestration of the proposed dwelling. As a result of the differing building sections, multiple eaves and ridge heights, numerous window and door openings of various sizes and glazing patterns, and the high proportion of glazing to wall ratio on the front elevation, including the projecting gable, the proposal would be particularly at odds with the more simple form and fenestration of the traditional farmhouses, cottages and barns that provide the site's context, even with the reduction in glazing shown on drawing 01 revision E. The contrasting high level of glazing would be particularly notable at nighttime, given the greater potential for light spill.
15. I acknowledge that gables are a feature in the village, but this is only one of a number of differing elements that combine to raise concern. I appreciate that the proposed design has the support of the Parish Council, and that the appellant does not wish to provide a pastiche of a traditional farmhouse. I also recognise that the ability to install larger glazing has changed over time. Nevertheless, the proposed design does not respond positively to the historic setting along this main thoroughfare, and it does not maintain local distinctiveness or a sense of place, which would be harmful to the character and appearance of the area.
16. While reference is made to the provision of additional planting to the site's frontage, given the change in levels, the appellant accepts that this would not fully screen the proposal. Nor should landscaping be a substitute for well-designed

developments within the setting of heritage assets. A reduction in the size of the patio would not overcome these concerns either.

17. While the Authority also highlights a lack of detail relating to any retaining structure or balustrade required for the construction of a large patio proposed to the front of the replacement dwelling, the appellant indicates that this would be a ground bearing patio. Although there is a change in levels across this part of the appeal site, no retaining structures or balustrades are included on the proposed plans. I must consider only the development applied for, and so I find no further harm in this respect.
18. Nevertheless, by introducing new development which would be incongruous and unsympathetic at this location, the proposal would fail to preserve or enhance the character or appearance of the CA, and it would harm the significance derived from the setting of nearby Low Farmhouse and barns, and Croft House and barns. The setting of these listing buildings is appreciated as you look around the village green and so I do not accept that setting will only be impacted where the proposal is seen directly with these listed buildings. Nor would intervening trees be sufficient mitigation for this harm. However, the setting of Westgate Farmhouse and adjoining barns would not be harmed given the intervening distance.
19. The failure to preserve or enhance the character or appearance of the CA or the setting of these listed buildings are matters to which I must attach considerable importance and weight.
20. While the barn attached to Low Farmhouse appears to be unused and boarded up at present, this does not justify the further harm to the significance of heritage assets, which would result from the appeal scheme.
21. I have considered the drawing indicating an approved extension to Lyndale. While incorporating a large amount of glazing, it appears that this extension would have been on a smaller scale compared to the appeal scheme, and it would have been set further back in the plot. Therefore, I do not consider that the impact of this earlier permission would have been comparable to the appeal scheme. Given the appellant's intention to replace the existing dwelling, I cannot be certain that this earlier permission, if it remains implementable, would be a realistic fallback position. This limits the weight I can afford to it.
22. I have also had regard to a number of examples of other new developments within the village and the wider area provided by the appellant, including examples with large glazing elements. I have not been provided with the full details of the development within Blindcrake itself, only a photograph. The appellant confirms that this development is not visible from the main road and so I cannot be certain that it is directly comparable to the appeal scheme in terms of its relationship to the village setting. This example does not convince me that the appeal scheme's design is appropriate for its location.
23. The other examples provided are not within Blindcrake and so the context to these examples will differ. As I am determining the effect of the proposed development upon the designated heritage assets of Blindcrake CA, and those listed buildings nearby, these other examples, which are in different parts of the national park will not be directly comparable. Reference is also made to a newly installed water supply pipe in the village. However, this type of development would not be directly comparable to the appeal scheme either.

24. To conclude, the proposed development would harm the significance of the CA and the setting of Low Farmhouse and barns, and Croft House and barns. The proposal conflicts with policies 01, 02, 05, 06 and 07 of the Living Lakes Your Local Plan Lake District National Park Local Plan 2020-2035, Adopted May 2021 (LP). Collectively, and amongst other matters, these policies seek to ensure that the cultural heritage of the Lake District settlements is conserved and enhanced, that the significance of heritage assets is conserved and enhanced, that new development relates well to existing buildings within a settlement, maintains local distinctiveness and sense of place through innovative design and local materials, and reinforces the importance of local character by having regard to matters including appearance.
25. The harm to the significance of the CA and the setting of the Low Farmhouse and barns, and Croft House and barns, would be 'less than substantial' for the purposes of the Framework. Given the size of the proposed development, the level of harm would lie at the lower end of this spectrum. Paragraph 215 of the Framework requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Heritage Balance

26. I am advised that the proposal would involve the removal of electricity cables across the site, with new cabling routed underground. This would be an improvement visually. The proposed dwelling would benefit from renewable energy sources and it would be constructed to a higher level of thermal efficiency than the existing dwelling. While these are public benefits of the proposal, the same or similar benefits could be delivered by a replacement dwelling of a design which did not result in harm to the significance of heritage assets. This limits the weight I can afford to these matters in favour of the appeal scheme.
27. I am advised that the existing dwelling has been used as a holiday let, whereas the appellant would utilise the replacement dwelling for permanent occupation. The application form indicates an exemption from biodiversity net gain on the basis that the proposal is a self-build dwelling.
28. Under the Self-build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own Self-build and Custom Housebuilding (SBCH). They are also subject to duties of that Act, to have regard to this, and to give enough development permissions to meet the identified demand. I have not been advised if the appellant is on the SBCH register. There is no evidence to suggest that enough development permissions have not been given to meet SBCH demand. No legal obligation is before me which would secure the proposed replacement dwelling as a self-build. This limits the weight I can afford to the provision of a self-build dwelling as a public benefit of the proposal.
29. For the above reasons, I have identified that the existing dwelling has a neutral impact on the significance of the CA and the setting of nearby listed buildings, whereas the proposal would be harmful to the significance of these heritage assets. The Framework requires that great weight be given to a heritage asset's conservation, and the more important the asset, the greater the weight should be.

The public benefits of the proposal attract only limited weight in favour of the appeal scheme. This is insufficient to outweigh the identified harm.

Other Matters

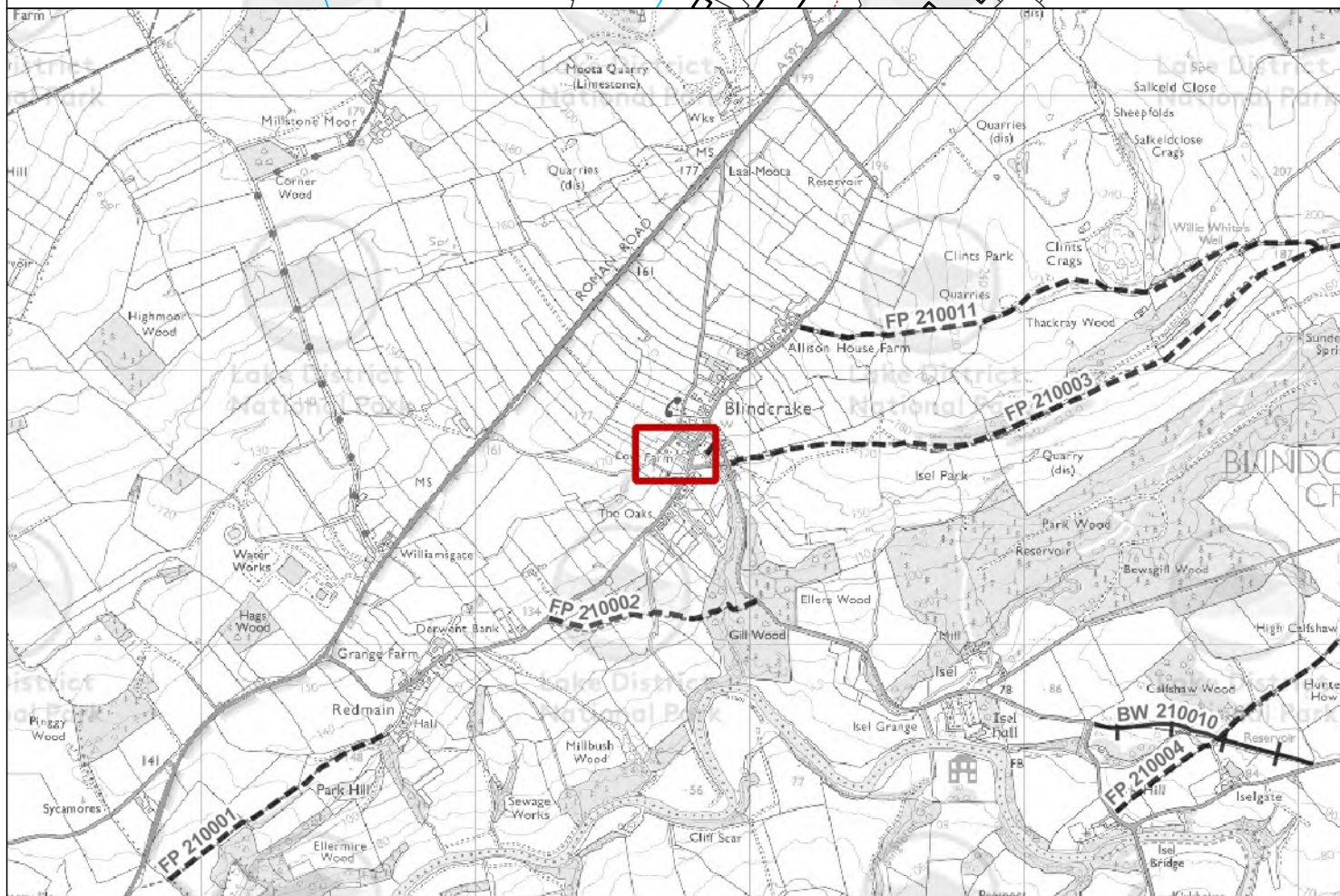
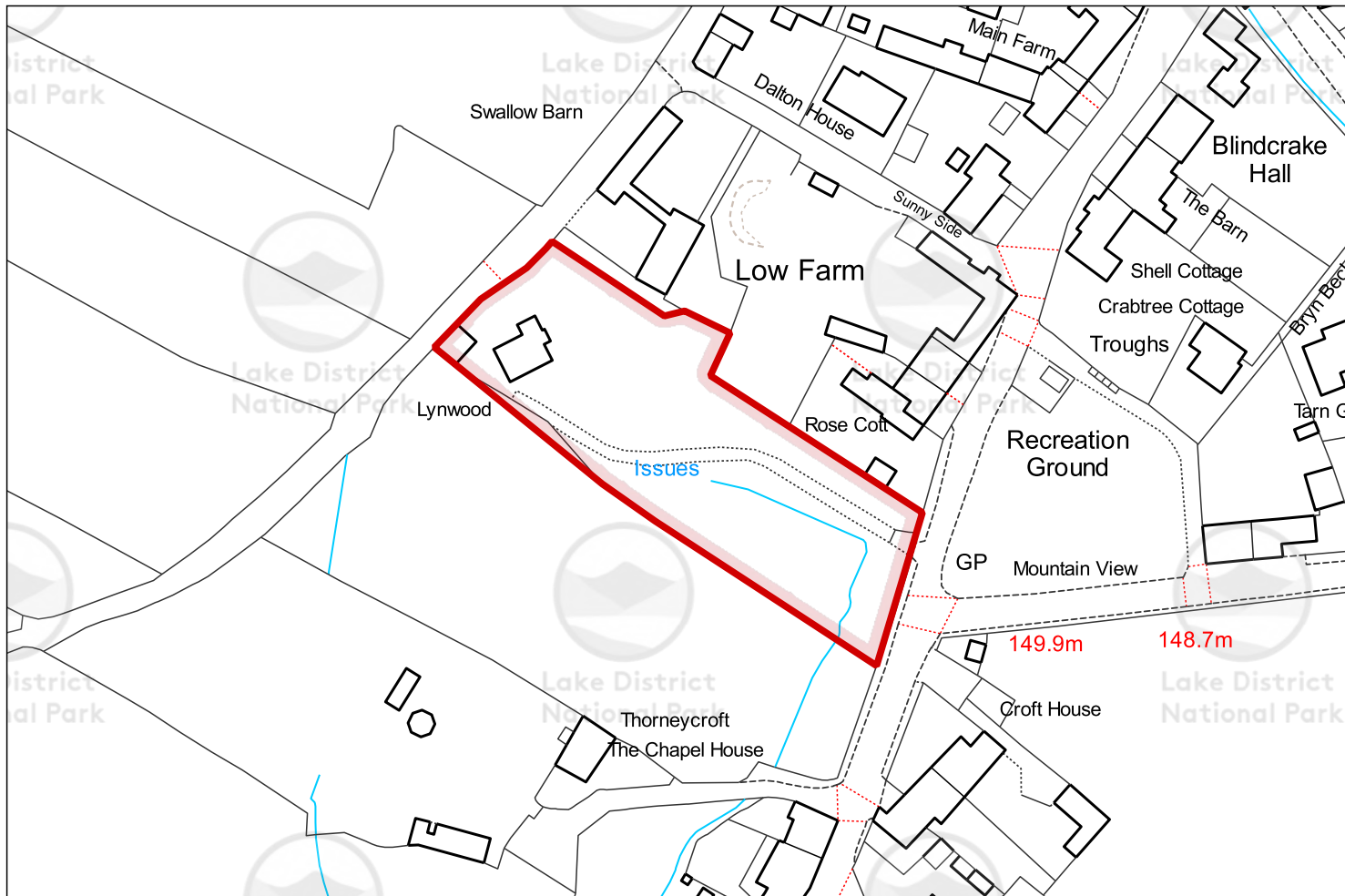
30. The available evidence suggests that the proposed development could be undertaken while providing protection for existing trees on site and that suitable drainage arrangements could be provided. These are neutral matters that do not carry weight for or against the proposal.
31. The appellant suggests that the Authority has failed to provide guidance as to a design it would find acceptable at this location, and that it has been inconsistent in its decision making. These are not matters for this decision. I have determined the appeal based on its individual planning merits.

Conclusion

32. The proposal conflicts with the development plan when read as a whole, and there are no material considerations which indicate that a decision should be made other than in accordance with the development plan. For the reasons given above, the appeal should be dismissed and planning permission refused.

S Brook

INSPECTOR



0 10 20 m

Plan scale: 1:1,500
Overview: 1:25,000



Date Authored: 19/08/2026

© Lake District National Park Authority 2026

© Crown copyright and database right 2026 Ordnance Survey AC0000807483

You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Lake District
National Park Authority



Appeal Decision

Site visit made on 16 June 2026 by J Reed MPlan MRTPI

Decision by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2026

Appeal Ref: 6008005

2 Kirkstone Court, Chapel Hill, Ambleside, Westmorland and Furness LA22 9EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss Amanda Cousins (Teacher) against the decision of Lake District National Park Authority.
 - The application Ref is 7/2025/5566.
 - The development proposed is installation of external spiral staircase.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. In the interests of clarity, I have taken the description of development from the Council's decision notice.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupants of 3 Kirkstone Court with specific regard to privacy.

Reasons for the Recommendation

5. The appeal dwelling and 3 Kirkstone Court (No 3) are attached by virtue of their terraced relationship. The properties are, however, staggered, with the rear elevation of No 3 projecting further than the appeal dwelling. The proposed staircase would be attached to the appeal dwelling's existing balcony via a platform, which would project rearwards.
6. No 3 possesses a window to its side elevation which faces towards the appeal dwelling and serves the living area. Presently, there is a degree of mutual overlooking between the appeal dwelling's balcony and No 3's side window. However, views gained are oblique due to the dwelling's stepped relationship. In contrast the proposed staircase due to its projected position would allow users direct views into No 3's living area. This would result in a significant reduction in privacy to this room and would be likely to make this space less pleasant to use as a result.

7. I note the appellant's willingness to implement frosted or opal laminated glass to the balustrade to the adjacent balcony. Furthermore, users of the staircase would gain views into the living room for a limited period, described by the appellant as brief and incidental. However, the proposal would result in extremely close and direct invasive views that would inevitably erode the current privacy enjoyed by the neighbouring occupiers. As such, the offered mitigation would not mitigate the ability for staircase users to gain harmful views into No 3's living area.
8. To conclude the proposed balcony would harm the living conditions of the occupants of 3 Kirkstone Court with specific regard to privacy. The proposed development would therefore conflict with Policy 06 of the Lake District National Park Local Plan 2020-2035 (2021). This seeks amongst other things for development to not have an unacceptable impact on the amenity of adjoining residents and users.
9. The proposed development would also fail to accord with the guidance of the Lake District Design Code (2023) which, amongst other things requires development to protect amenity.

Other Matters

10. I note the appellant's case that the staircase could provide an additional means of escape in the event of a fire. I am not aware of an existing problem in terms of fire safety at the appeal site, or of any requirements that the development should be permitted for this reason. I also note the appellant's case stating that the staircase could provide a safe and practical means of access from the first floor to the garden for their children. However, I am not persuaded that this could not be achieved by other means that do not harm the neighbour's living conditions.
11. I have also had regard to the appellant's submission that there is the lack of an objection from the Parish Council. However, the absence of objections is a neutral factor in the balance and does not preclude a full and proper assessment of the planning merits of the case. I also note the appellants willingness to agree to change the proposal's materials. However, this would not alleviate my concerns in regard to the main issue of living conditions.

Conclusion and Recommendation

12. The proposals would conflict with the development plan and there are no material considerations worthy of sufficient weight to indicate a decision other than in accordance therewith. I therefore recommend the appeal is dismissed.

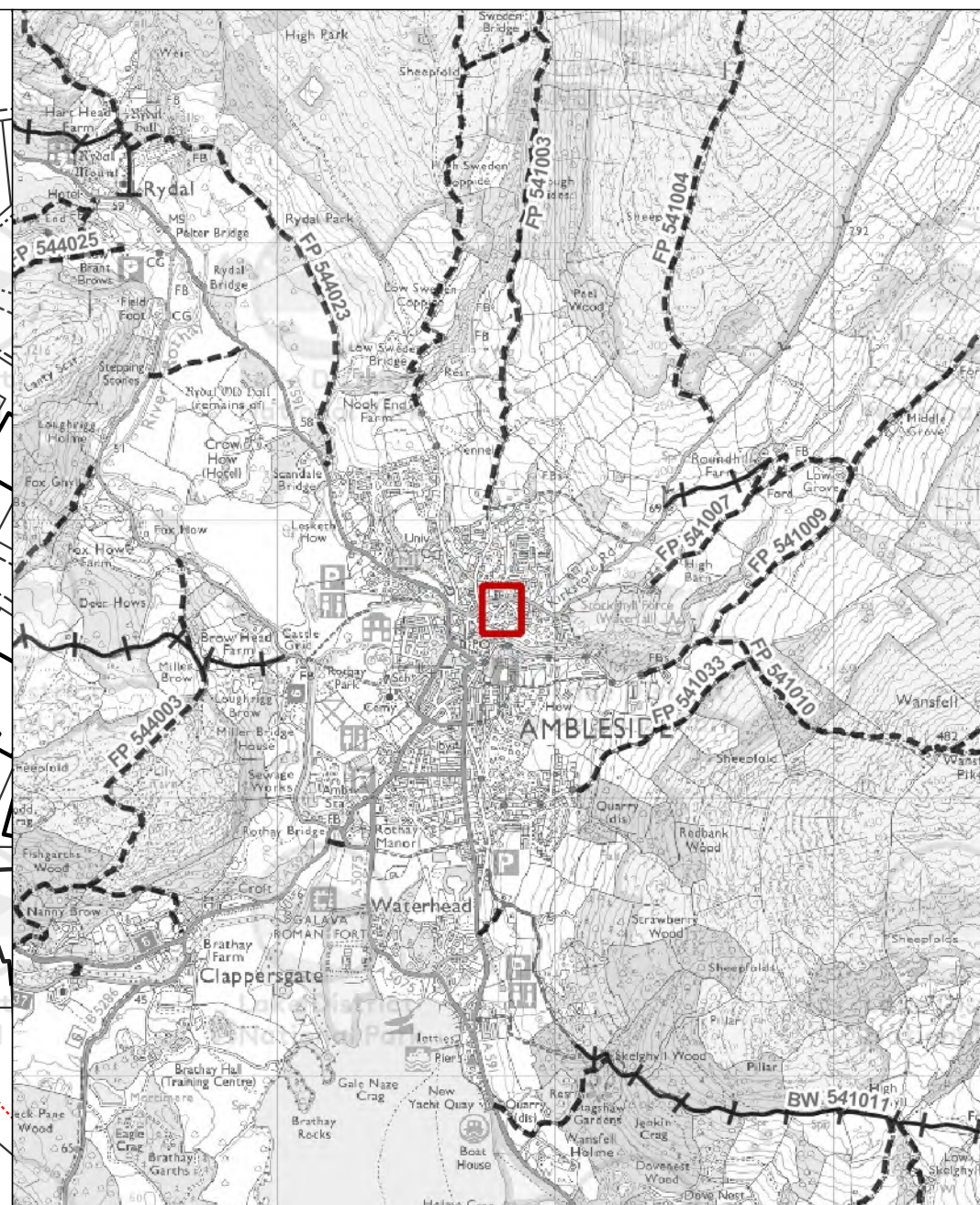
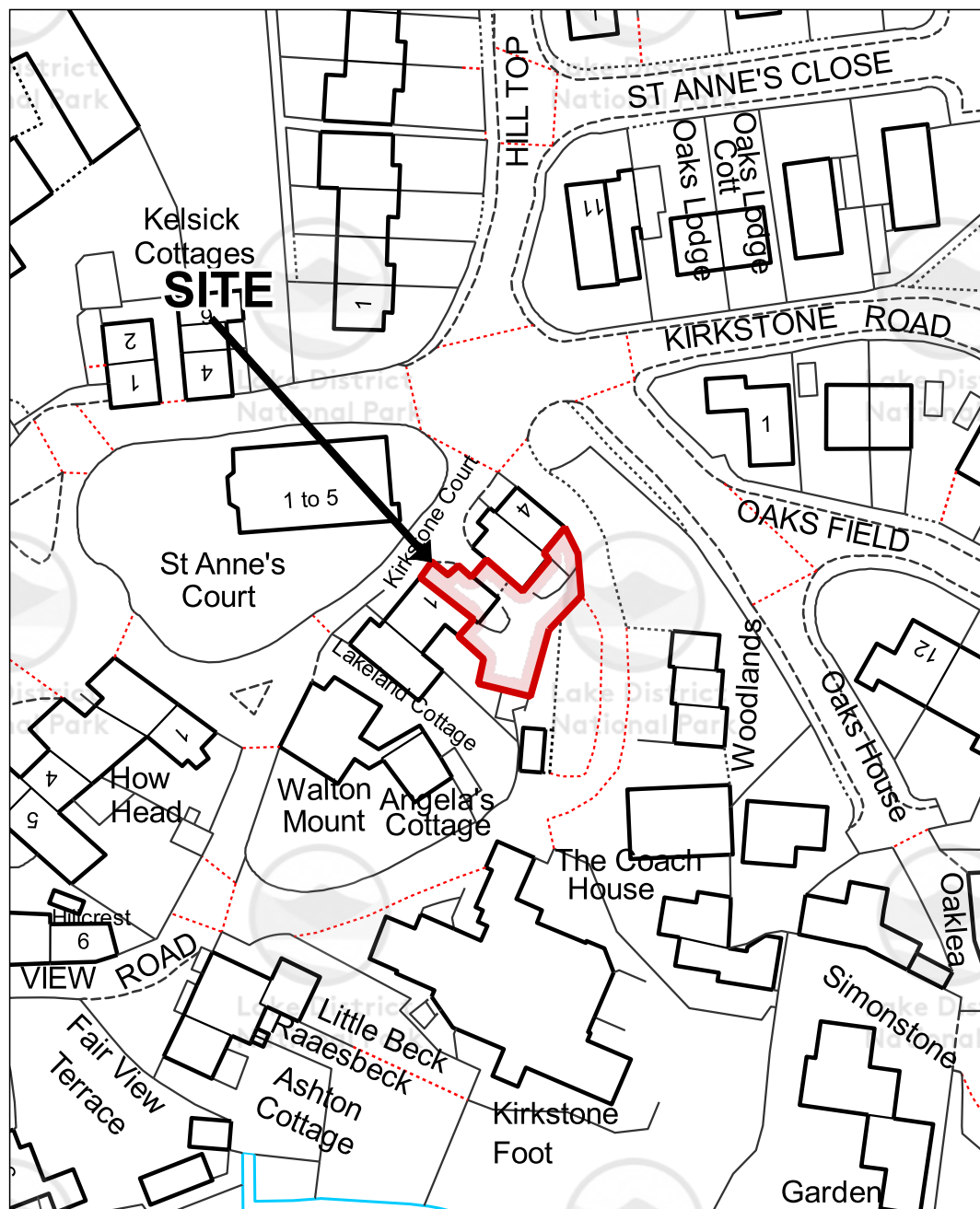
J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

B Plenty (INSPECTOR)



0 10 20 m Plan scale: 1:1,000
 Overview: 1:25,000

Date Authored: 19/08/2026

© Lake District National Park Authority 2026

© Crown copyright and database right 2026 Ordnance Survey AC0000807483

You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.