



Appeal Decision

Site visit made on 23 July 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2019

Appeal Ref: APP/A2335/D/19/3229055

33 Ashfield Avenue, Lancaster LA1 5EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr. P. Bishop and L. Anderson against the decision of Lancaster City Council.
 - The application Ref 19/00057/FUL, dated 14 January 2019, was refused by notice dated 7 March 2019.
 - The development is a proposed rear dormer.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposed development would preserve or enhance the character or appearance of the Lancaster Conservation Area.

Reasons

3. The appeal property is positioned within a terrace located within the Lancaster Conservation Area (CA). The Council's Conservation Officer confirms that the terrace and property is identified within the associated CA Appraisal as a non-designated heritage asset and a positive feature. Within this part of the CA the age, architectural interest and repetition of the terraced housing is an important component of its significance.
4. The properties along Ashfield Avenue have a uniformed appearance spread over 2 floors with additional accommodation in the roof space served by small dormers on the front elevation. Apart from one small dormer, there are no other dormer windows on the rear roof slope of the terrace. It therefore remains predominantly unbroken with a unified and unaltered form. This unity is an important component in the overall character and appearance of the terrace, particularly when viewed from Sunnyside Lane.
5. The proposed dormer would occupy a large proportion of the depth and width of the rear roof slope of the property. It would have a box like form, giving it a stark and discordant appearance on the roof as seen from Sunnyside Lane. More significantly, the proposed dormer would disrupt the architectural unity currently evident in the rear roof plane of the terrace.
6. I appreciate that there is an existing dormer on this roof slope of the terrace. However, this is a small dormer which does not have the same bulk and

massing as is proposed and does not detract significantly from the existing roofscape. I am also mindful that the rear lane is relatively narrow. However, the proposed dormer would still dominate due to its box like form occupying the majority of the roof slope of this property.

7. I have considered the other dormer windows in the terraces within the immediate area and appreciate there are many, and they are of differing styles and sizes. However, I do not have the full details of these alterations and so cannot be certain that the circumstances are the same. In any case I have considered the appeal proposal on its own merits and how it relates to the rear roof slope of this specific terrace which at the rear has a distinctive unity to the roofscape.
8. Thus, the proposed dormer would be an undesirable change that would erode the overall character and quality of the area. For the reasons given, I conclude that the proposed dormer would not preserve or enhance the character or appearance of the CA and, as such, it would conflict with the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
9. The harm would be less than substantial in the context of paragraph 196 of the National Planning Policy Framework (the Framework). Although the harm may be less than substantial, any harm to the CA is a matter that attracts great weight, having regard to paragraph 193 of the Framework. In accordance with paragraph 196 of the Framework, I must balance the less than substantial harm against the public benefits of the proposal.
10. I accept that the appellant, is seeking to make an effective use of an existing dwelling, an objective which is encouraged by the Framework, although this is not unqualified including the strong protection which is afforded to a designated heritage asset. I understand that extending the property might meet the appellant's need for increased accommodation. However, these would be largely personal benefits and therefore I afford them limited weight. As such, I am not persuaded that the public benefits outweigh the less than substantial harm to the CA.
11. Accordingly, the proposals would conflict with the requirements of the Framework and policies DM31, DM32, DM33 and DM35 of A Local Plan for Lancaster District 2011 – 2031 Development Management DPD (2014). These policies seek, amongst other things, to ensure that new development preserves the historic environment and makes a positive contribution to the surrounding townscape. The proposal would also conflict with paragraph 130 of the Framework which seeks to secure high quality design.

Other Matters

12. I have had regard to other matters raised including the effects on living conditions and during construction, and the absence of a policy for alterations to this specific terrace. However, as I am dismissing the appeal on other grounds, I have not pursued these matters further.

Conclusion

13. I have taken account of all the other matters raised including the benefits of the proposed dormer. However, this does not outweigh the harm that I have

identified to the character and appearance of the CA. I therefore conclude that the appeal should be dismissed.

Robert Walker

INSPECTOR