

Appeal Decision

Site Visit made on 20 January 2021

by L Nurser BA(Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2021

Appeal Ref: APP/A2335/W/20/3261057

120-122 Thornton Road, Morecambe, LA4 5PQ

- 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 Paul Hart (Erlkonig Limited) against the decision of Lancaster City Council.
 - The application Ref 20/00478/FUL, dated 4 May 2020, was refused by notice dated 20 August 2020.
 - The development proposed is change of use and for a residential development comprising the erection of a four-story building containing six one- bedroom flats (C3) for rent, two lock-up double-garages, a communal storage area with six private lockers for the occupiers, plus an area for bins, bikes and the like with charging points for electric bikes and shopping scooters.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on the character and appearance of the street scene; the effect of the proposed development on the living conditions of the occupiers of neighbouring properties in relation to privacy; and whether the development would provide a satisfactory mix and size of housing.

Reasons

Character and appearance

3. Thornton Road contains housing and commercial uses reflecting its historic development. However, the predominant character of the area, in which the appeal site sits, is late 19th century housing. These substantial, stone-faced brick properties, some of which are painted, and have been altered, in some cases in an unsympathetic manner, retain an overarching visual integrity which gives a distinctive character and appearance to the area. To the rear of the vacant site, which was not built upon as part of the wider housing development, are smaller two storey traditional terraced properties with small yards which back on to a ginnel.
4. The proposed development would be of a modern design. Sensitively designed modern developments, using contemporary materials, can successfully sit within such established residential areas which have a locally distinctive character or appearance without aping each, and every element of the wider streetscape. Nonetheless, the proposed development would, at four storeys in

height, adversely contrast with the relatively generously proportioned properties, which are of a similar height, yet at the front, only comprise two stories, with original dormers above. This cramped and visually discordant appearance would be compounded by the introduction of wide, shallow bays, which would extend almost to the top of the ridgeline and would be topped by shallow pitches. I note that the ridgeline of the roof of the proposal would continue that of the neighbouring property. However, this approach would not reflect the subtle staggered approach of the existing development which drops to reflect the gentle slope of Thornton Road. Moreover, the roof form would contrast to the traditional pitch at the front of the properties along Thornton Road and in my judgment the eaves would not align with those of the neighbouring properties.

5. Two horizontal brick features are proposed, to tie in with the neighbouring properties. However, to fit in the four levels of development, rather than the three in the nearby properties, the windows would puncture this contrasting brick design feature. As a consequence, given that the line of the windows would bear no relationship with the adjacent properties, this would appear discordant.
6. In the right context, balconies can provide valuable amenity space without adversely compromising the character and appearance of an area. However, in this particular instance the introduction of French doors which have a strong vertical element, paired with Juliet balconies would adversely contrast with the mostly, traditional sliding sash windows of the surrounding 19th century housing, and therefore appear alien in the streetscape.
7. As part of my site visit, I took the opportunity to visit the developments at, 195 Euston Road, and Mears Beck Close. I note that they were granted planning permission within a different national and local policy context, and that the locations could be differentiated from the site before me.
8. I also visited the large development at the corner of Pedder Street and Anderton Street, which underlined the importance of ensuring that such developments are sympathetic to local character.
9. Garaging and storage is proposed at street level. However, whilst such treatments are more common in flatted developments in continental Europe, the large doors and lack of ground floor accommodation would appear at odds with, and a discordant element within the traditional domestic street scene.
10. In conclusion, whilst a suitably designed development on the site could improve the streetscape by building on a vacant plot and provide valuable modern housing, for the reasons set out above, the design of the proposal before me would not accord with Policy DM29 of the Part Two: Review of the Development Management DPD, adopted July 2020 (DM), and the policies of the Framework, to achieve well- designed places.

Living conditions

11. There is no dispute between the parties that the principle of the development of the site for residential purposes is acceptable. However, whilst what is considered an acceptable intervening distance for windows and potential overlooking within suburban areas and inner urban areas, may differ, this does not obviate the need to ensure that the living conditions of those living in

nearby properties are not adversely compromised by the development of this plot for housing.

12. The proposed development would extend the full depth of the appeal site. As a consequence, the balconies at first, second and third floor level, would only be separated, by the width of the ginnel, from the rear wall of the yards of the terraced properties which lie directly opposite. Due to the design of the balconies there would be no opportunity for overlooking of neighbouring properties along Thornton Road. However, they would allow direct views, both into the back yards, and potentially into the rooms at the back of the properties.
13. It is likely that residents of the proposed flats would take advantage of the outdoor space provided by the balconies to spend significant tranches of time enjoying sitting out. Consequently, given the short distance and height of the development, there would be unavoidable overlooking of the properties directly opposite the proposed flats, with a subsequent significant loss of privacy and an adverse impact on the living conditions of the residents both within their houses and when taking advantage of the limited, but nonetheless, valuable private outdoor space of the back yards.

Housing mix and size

14. I note the Council's objective to provide for balanced communities. However, given the location of the proposed development within Morecambe central, albeit I noted the number of converted flats which were evident nearby at the time of my site visit, this development would be consistent with Policy DM1 of the DM.
15. I am aware from the appellant, who I understand to have considerable knowledge of the Morecambe housing market, that there is a demand for quality single person accommodation and he does not wish to construct two bedroomed flats. Whilst the proposed developments may be marketed for single occupancy, once built, due to the size of the bedrooms of the two flats on the top floor, they clearly could be occupied by two people. Indeed the plans show double beds within the bedroom. Therefore, the proposed flats on the third floor, whose internal measurements are 46.5 sq m and 44.7 sq m respectively, would fail to meet the Nationally Described Space Standards, and would therefore be contrary to Policy DM2 of the DM.

Other Matters

16. I have been made aware that some of Morecambe's existing late nineteenth century housing, which has historically been converted into flats, may provide poor living conditions, and require significant investment to be more attractive to the market. However, I understand from the appellant that he was able to successfully improve the accommodation at the neighbouring property at 118 Thornton Road.
17. The proposed purpose built accommodation, would be built to modern construction standards and provide a number of integral features, such as charging points for electric bicycles and individual storage areas linked to individual flats. I have no reason to doubt that this would be welcomed by potential occupants. However, these benefits do not outweigh the harm I have identified from the development.

18. I have been referred to an offer by the appellant to pay for the closure and improvement of the ginnel at the rear of Thornton Road and Ashton Road. However, I have been given little detail of how this would be achieved, whether it is necessary, and no mechanism to link it to the proposed development. Therefore, this does not weigh in favour of the development.

Planning Balance and Conclusion

19. I have found that the proposed development would result in significant harm to the character and appearance of the wider area and would result in unsatisfactory living conditions for the future occupiers of the two flats on the third floor. In addition, there would be the potential for overlooking from the balconies at the rear of the block of flats, onto the rear yards and rooms of the modest terraced housing along Ashton Road. This would lead to a loss of privacy and a consequential adverse impact on the living conditions. Therefore, the proposed development would be contrary to policies DM2 and DM29 of the DPD and the design principles set out within the Framework.
20. When the Council determined the planning application, it was of the view that it could not demonstrate a deliverable five-year supply of housing. I have not been provided with any evidence to dispute this position. Therefore, for the purposes of this appeal, paragraph 11 d of the Framework is engaged. Consequently, I must determine whether any adverse impacts of granting planning permission would significantly outweigh the benefits, when assessed against the policies of the Framework as a whole.
21. The proposal would provide six units. This contribution to the housing supply is afforded significant weight in its favour.
22. The proposed development would be consistent with the Government's objective of significantly boosting the housing supply, and the efficient use of land, but would be contrary to the design policies of the development plan and the Framework. This is a key aspect of sustainable development. Overall, the adverse impact on the street scene and on the living conditions of future occupants and nearby residents would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole. Therefore, the proposal does not benefit from the presumption in favour of sustainable development set out in paragraph 11 d).
23. As such, the development should be considered in accordance with the development plan. I conclude that the conflict with the development plan in relation to adverse impacts on the street scene and living conditions is not outweighed by other material considerations. For the reasons, set out above, I conclude that the appeal should be dismissed.

L Nurser

INSPECTOR