



Appeal Decision

Site visit made on 25 April 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2024

Appeal Ref: APP/M0933/W/23/3335114

1-3 Union Street, Ulverston, Cumbria LA12 7HR

- 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 Mrs Afsaneh Darani against the decision of South Lakeland District Council.
 - The application reference is SL/2023/0651.
 - The development proposed is Change of use of ground floor from hot food takeaway (Use class Sui generis) to a dwellinghouse for use as holiday accommodation (Use Class C3).
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Decision

1. The appeal is allowed and planning permission is granted for Change of use of ground floor from hot food takeaway (Use class Sui generis) to a dwellinghouse for use as holiday accommodation (Use Class C3) at 1-3 Union Street, Ulverston, Cumbria, LA12 7HR, in accordance with the terms of the application, reference SL/2023/0651, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan TQRQM2324118046890, Proposed Elevations, and Proposed Floor Plans.
 - 3) The materials to be used for the external alterations of the development hereby permitted shall match those used in the existing building.
 - 4) The development hereby permitted shall not be occupied other than as holiday accommodation and shall not be used at any time as a sole or principal residence by any occupants, and shall not be occupied for longer than 28 days at a time. A register of all occupants of the holiday accommodation shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request. The register shall comprise consecutively numbered pages, which shall be kept in order, and each entry shall contain the name and main address of the principal occupier together with the dates of occupation.

Preliminary Matters

2. I have used the Council's description of development from its Decision Notice within the banner heading and for the decision as this more concisely describes the act of development.

Main Issue

3. The main issue is whether the proposed development would provide satisfactory holiday accommodation for future occupiers, with particular regard to noise and disturbance.

Reasons

4. The appeal site comprises the ground floor of an end of terrace building within Ulverston town centre. The proposal would introduce a living room/kitchen and bedroom to the Union Street frontage, and a further bedroom to the Little Union Street frontage. Union Street is a one-way road leading to Market Street. It has footways to both sides of the road and on-street parking to the western side of the carriageway only. Where it passes the appeal site, Little Union Street is a single-width road with no separate footway, and it is restricted to one way traffic.
5. The habitable rooms of the proposed holiday accommodation would lie in close proximity to Union Street and Little Union Street. Given the proximity to the commercial area of Market Street, these thoroughfares, particularly Union Street, are likely to experience regular pedestrian and traffic movements, particularly in the daytime when a higher proportion of the commercial uses would be open for business. This would no doubt generate some level of noise.
6. However, Union Street and Little Union Street contain a mix of both commercial and residential properties. It is not uncommon for residential uses on these roads to be positioned either to the back of the pavement or directly abutting the carriageway. There is no substantive evidence before me to suggest that pedestrian or traffic movements in the area are particularly high or so unusual that, as a result, occupiers of existing residential properties are experiencing a poor standard of housing environment by way of noise and disturbance, particularly at night, when occupiers would reasonably expect a quieter environment.
7. I appreciate that the appeal scheme would introduce bedroom windows at ground floor level, which may not be the case with existing residential properties. Nevertheless, upper floor windows to existing residential properties are positioned close to the road and it seems unlikely that there would be a significant difference in the level of noise experienced at ground floor level, compared to first floor level.
8. For these reasons, I conclude that the proposed development would provide satisfactory holiday accommodation for future occupiers, with particular regard to noise and disturbance. I therefore find the appeal scheme to be acceptable in relation to Policies DM1 and DM2 of the Development Management Policies document¹ (DPD), which collectively and amongst other matters, require all development to provide healthy environments that deliver acceptable levels of amenity, by appropriately considering a site's locational context, including adequate separation between public and private spaces. Nor have I identified any conflict with policies CS1.1 and CS1.2 of the Core Strategy², (CS), which

¹ Local Plan, Development Management Policies (For South Lakeland District outside the Lake District and Yorkshire Dales National Parks), 28 March 2019

² South Lakeland Local Development Framework Core Strategy, 20 October 2010

respectively seek to achieve sustainable development and provide the development strategy for the area.

9. Further, the proposal would meet the requirements of paragraph 135 of the National Planning Policy Framework (the Framework) in terms of creating places with a high standard of amenity for future users.

Other Matters

10. The appeal site lies within the Ulverston Conservation Area (CA). I am advised that the Ulverston Conservation Area Character Appraisal identifies that the appeal building has moderate or very slight intrinsic architectural interest, and a largely neutral impact on the special architectural or historic character of the area. The proposal would involve some minor external alterations, which would be compatible with the character and appearance of the building. However, the materials to be used have not been specified on the application form or plans. As these works would partly relate to an existing shopfront, it would be necessary for the materials to match those of the shopfront. This could be secured by the imposition of a suitable condition. Subject to this, the proposal would preserve the character and appearance of the CA.
11. I have had regard to the representations made by third parties. While Union Street does not benefit from unrestricted on street parking, the Council has confirmed that public parking is available in the vicinity of the site. As such, I am satisfied that the parking requirements of the proposal could be satisfactorily met.
12. The proposal would result in the loss of a commercial use from the town centre. However, the Council acknowledges that Local Plan policies do not prevent the conversion of commercial units to residential or holiday uses in Ulverston town centre. The proposal would not result in the loss of a main town centre use as defined by the Framework. The Council does not consider the premises to be a key commercial unit, or that its loss would impact significantly on the vitality or viability of the town centre. From the information before me, I have no reason to disagree.
13. The proposal would provide holiday accommodation rather than permanent housing. However, there is no substantive evidence before me to demonstrate that this would negatively impact on the supply of housing to meet any identified local need.

Conditions

14. I have considered the conditions put forward by the Council with reference to the Framework and Planning Practice Guidance. The appellant has had the opportunity to comment.
15. I have imposed a condition which concerns the statutory time limit, and in the interests of certainty, a condition concerning the approved plans. These are in addition to the condition discussed above requiring matching materials for the external works. A condition suggested by the Council relating to the colour finish of any paintwork is considered unnecessary given the permitted development rights in this respect, conveyed by the Town and Country Planning (General Permitted Development) (England) Order 2015.

16. A condition is imposed limiting occupancy of the property to holiday use only as this is the basis on which the application was made and on which I have determined the appeal. Any permanent residential use of the building may be subject to other policy considerations.

Conclusion

17. For the reasons outlined above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed.

S Brook

INSPECTOR