



Appeal Decision

Site visit made on 5 February 2025

by **J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 February 2025

Appeal Ref: APP/A2335/W/24/3351311

22 Clarence Street, Morecambe, Lancashire LA4 5EX

- 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 1864 Properties Ltd against the decision of Lancaster City Council.
 - The application Ref is 24/00097/FUL.
 - The development proposed is change of use of storage building to dwelling (C3) and associated works (retrospective and proposed).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. In the interest of natural justice and to ensure neither of the main parties were prejudiced by this matter, I consulted both parties on the changes to the Framework and have received comments which I have taken into account in my determination of the appeal. Any reference to the Framework in this decision is to the most recent version and its new paragraph numbers.
3. The site is within the Morecambe Conservation Area and I have therefore had regard to the statutory duties under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. However, no harm in relation to the significance of the Conservation Area has been raised and I too see no harm in this regard. I have therefore assessed the appeal accordingly.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of future occupiers with regard to privacy and outlook.

Reasons

5. The appeal site is a single storey flat roofed building that has been added to the end of a row of three storey terraced 19th century properties. It is on the corner of Clarence Street and Hall Street with windows directly alongside these two roads. The area is densely developed with narrow roads and residential properties close to them. Hall Street is especially narrow.
6. Although it is not unusual to have windows to habitable rooms close to the road in this area, this property has all of its windows close to the road. Therefore, there is

little privacy in any of the rooms unless blinds or curtains are drawn. People walking along either road, and especially Hall Lane, would easily be able to look directly into the property – all blinds and/or curtains were closed at the time of my visit. This arrangement is extremely poor and whilst I am less concerned about the outlook from these rooms when the curtains or blinds are open, there would be no outlook at all should occupiers wish to maintain even a modest element of privacy. I do not accept that the design of the windows is such that half blinds would be a solution to this property as suggested by the appellant.

7. The proposal would therefore have a harmful effect on the living conditions of future occupiers with regard to privacy and outlook. It would conflict with Local Plan¹ Policy DM29 which, amongst other things, expects development to ensure that there is no significant detrimental impact to amenity in relation to privacy and visual amenity.

Other Matters

8. The dwelling provides single storey accommodation which is suitable for people with mobility issues or elderly people, close to the Town Centre and the sea front, which the appellant states is rare. The appellant quotes Local Plan Policy DM8 which relates to accommodation for older people and vulnerable communities and states that whilst the dwelling has not been designed solely for older people or vulnerable communities, it could meet these needs. Whilst I do not dispute this, it is not specifically targeted towards any specific requirements and there is no mechanism in place or proposed that would secure such an occupation only.
9. The appellant compares the changes that have taken place to the property in terms of their benefits to the Conservation Area. From the submitted photographs it is clear that refurbishing the property has improved its appearance. An application for flexible planning permission for a change of use of the building into a dual use Class E (commercial, business and service) / C3 (restricted to holiday use) and retrospective application for replacement windows and doors has recently been approved². I have little details of that planning permission but it seems that the beneficial works could have been carried out as part of that scheme and are not dependent on the proposal subject to this appeal.
10. The appellant has also set out the benefits in terms of re-using a brownfield site and residential use being a preferable and more viable use of the building. The area is a mostly residential one but there are other uses in the vicinity including commercial properties and a community centre directly opposite on Clarence Street. I see no reason why a residential use is therefore the only option for this building, which, as I have referred to above, also has permission for a Class E use.
11. The Framework sets out in paragraph 125(c) that substantial weight should be given to the value of using suitable brownfield land within settlements and such proposals should be approved unless substantial harm would be caused. Whilst this proposal would use an existing building within the urban area for a new home, it will not be the case that all sites will be suitable. This is one that is not suitable. Taking these matters into consideration, the harm that I have outlined to the living

¹ A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD Adopted Version July 2020.

² Planning Application Ref: 24/00098/FUL).

conditions of future occupiers is substantial and these other matters do not outweigh that harm.

Planning Balance

12. The Council has confirmed that it cannot demonstrate a five year supply of deliverable housing sites as required by the Framework but can only provide a two year supply. This is a considerable shortfall and so paragraph 11(d) of the Framework applies. Therefore, the presumption in favour of allowing sustainable development carries significant weight. In applying the tilted balance therefore, it is necessary to consider whether any adverse impacts of allowing permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
13. Whilst there is a benefit in terms of providing one dwelling and I consider that even one dwelling would make a positive contribution, that benefit is small. The other benefits of the proposal have been outlined above and do not overcome the harm identified in my main issue. The harm I have identified conflicts with Local Plan Policy DM29 and therefore carries substantial weight. Therefore, I find that in balancing the benefits against the harm, the harm significantly and demonstrably outweighs the benefits outlined.

Conclusion

14. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

J D Clark

INSPECTOR