



Appeal Decision

Site visit made on 13 March 2025

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

an Inspector appointed by the Secretary of State

Decision date: 17 April 2025

Appeal Ref: APP/A2335/D/24/3352077

2 Pemberton Drive, Morecambe, Lancashire LA4 6SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr T McMeeking against the decision of Lancaster City Council.
 - The application Ref is 24/00641/VCN.
 - The application sought planning permission for demolition of existing conservatory with erection of replacement single storey front extension with canopy, installation of solar panels to east roof slope, construction of hip to gable roof and dormer extension to rear elevation including the installation of solar panels without complying with a condition attached to planning permission Ref 23/00484/FUL, dated 31 May 2023.
 - The condition in dispute is No 2 which states that:
 - The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan – Drawing No. 22-091-3-01. Dated Apr-23, received 25 April 2023;
 - Existing and Proposed Site/Block and Roof Plan – Drawing No. 22-091-3-02, dated Apr-23, received 25 April 2023;
 - Plans, Elevations and Section as Existing – Drawing No. 22-091-3-04, dated April -23, received 25 April 2023.
 - The reason given for the condition is: For the avoidance of doubt and to ensure a satisfactory standard of development.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing conservatory with erection of replacement single storey front extension with canopy, installation of solar panels to east roof slope, construction of hip to gable roof and dormer extension to rear elevation including the installation of solar panels at 2 Pemberton Drive, Morecambe, Lancashire LA4 6SL in accordance with the terms of the application, Ref 24/00641/VCN, without compliance with condition 2 previously imposed on planning permission Ref 23/00484/FUL, dated 31 May 2023 and subject to the following condition:
 1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing Nos. 22-091-3-01; 22-091-3-02; and 22-091-3-06.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024 and is a material consideration in this appeal. Having considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal it is clear

to me that there are no material changes in the revised Framework relevant to the substance of this appeal. Therefore, I do not consider it necessary, in this instance, to invite any submissions from the parties on the revised Framework.

Background

3. Planning permission was granted for the development described above subject to a condition that the proposal should be carried out in accordance with the approved plans. Work has started on the approved scheme some of which are not in accordance with the approved plans. It is proposed to complete the development to incorporate the alterations so far carried out.

Main Issue

4. The main issue is the effect of the proposed variation to the approved plans on the character and appearance of the surrounding area and the host dwelling.

Reasons

5. The appeal site comprises a semi-detached house and its gardens. It is located on the corner of Pemberton Drive and Bare Lane. The approved plans would have rendered the front, side and rear elevations with the rear dormer faced with timber composite cladding (as shown on Drawing No 22-091-3-04 listed on the original decision notice). The proposal is to render the front and rear elevation, in accordance with the original approval but render the side elevation only up to the eaves height with the upper extended section (the hip to gable part of the original approval) timber clad to match the rear dormer.
6. I agree with the Council that rendering the whole of the side elevation would give a more cohesive appearance but the most prominent element is the rear dormer. This is a large and prominent addition that is very visible in the street scene given the corner location of No 2. This being the case, cladding the upper section of the side gable wall would not appear unduly out of place. In the context of the house as a whole, and in particular taking into account the prominence of the dormer, I find no harm with the cladding as proposed. The proposed amendment also includes the addition of a small window in the rear dormer. The Council has not expressed any concerns about this and I too have no concerns in this regard.
7. Local Plan Policy DM29¹ indicates an expectation that development should contribute positively to the identity and character of the area through good design, having regard to the palate of materials, amongst other things. This is expanded upon in the Council's Householder Design Guide². Section 12 of the Framework advises that good design is a key aspect of sustainable development, creates better places to live and work and helps make development acceptable to communities.
8. My assessment is based on the difference between the approved development and that now proposed and although the proposal would not contribute positively to the character or appearance of the area, as required by the policy and guidance above, neither would it cause harm. The timber cladding has already been installed and is prominent but does not unduly jar with the alterations already

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

² Lancaster City Council Householder Design Guide Regeneration and Planning (Development Management) December 2014.

approved. I therefore find the proposed variation to the approved plans would not have a harmful effect on the character and appearance of the surrounding area or the host dwelling.

Conclusion

9. For the reasons given above the appeal should be allowed.

J D Clark

INSPECTOR