
Appeal Decision

Site visit made on 27 October 2025

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/A2335/W/25/3369717

7 Hatlex Drive, Hest Bank, Lancashire LA2 6HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Wright against the decision of Lancaster City Council.
 - The application Ref is 25/00153/OUT.
 - The development proposed is a proposed new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although plans showing where the proposed dwelling may be laid out and how it may look, the planning application determined by the Council and subject of this appeal sought outline planning permission with all matters reserved for future consideration. Hence, I have treated that plan as illustrative only as a possible way that the appeal site could be developed from the development proposed.
3. The appellants have submitted a signed and dated Unilateral Undertaking (UU) which seeks to secure the proposed new dwelling as a self-build dwelling.

Main Issues

4. The main issues are (a) the effect of the proposed development on the character and appearance of the area, (b) the effect of the proposal on the living conditions of adjoining properties, with regard to outlook and privacy, and (c) the effect of the proposal on flood risk.

Reasons

Character and appearance

5. The appeal site lies within an inter-war character area as defined by the Slynne with Hest Neighbourhood Plan 2017 – 2031 (NP). Here, properties are typically semi-detached, have a density of 11-20 dwellings per hectare, and gardens are an important feature that consume a lot of land. Some of the original plots have been subdivided, but properties remain within good-sized plots, and there is a visual gap between each property that offsets the narrowness of the road and the characteristic proximity of the properties to it despite ground levels and the curvature of the road.
6. The site is currently part of 7 Hatlex Drive, a detached bungalow situated in an area of residential properties of varying style, age and design that have a mixed single and two storey scale. The bungalow of 5A Hatlex Drive is to the north. A two storey dwelling at 9 Hatlex Drive is to the south, and 6 Hatlex Drive is opposite.
7. The size of the plot could potentially accommodate a new dwelling and an

associated garden in numeric terms without affecting the garden space of No 7. Further, the dwelling proposed could be designed to reflect the architecture of the area. However, despite its depth, the plot is narrow, particularly at the front where it is sandwiched between Nos 5A and 7.

8. While the detailed design of the proposal is not for me to determine, the plot's width would inform the shape, layout and design of any new dwelling on this site.
9. If a dwelling were to be built roughly halfway back in the plot from the road, it would be uncharacteristic of the character area. If a dwelling were to be sited towards the front of the site, the width of the plot would be insufficient to accommodate a dwelling of a size that responds to the character area. Hence, either way, the appeal site could not accommodate a new dwelling without causing harm to the character of the area due to its siting and/or its cramped appearance. The latter may give rise to a perception of overdevelopment despite the overall plot size, as the rear garden would be unlikely to play an active role in the street scene. Furthermore, the gap between Nos 5A and 7 would, irrespective of where a prospective dwelling would be sited, be uncharacteristically smaller than those elsewhere in the street.
10. I do not consider No 6 to be directly comparable to the proposal, as this property came about through an extension and a large outbuilding rather than a freestanding dwelling as is proposed here.
11. I conclude, on this issue, that the proposed development would cause significant harm to the character and appearance of the area and conflict with Policy DM29 of a Local Plan for Lancaster District 2020 – 2031 Part Two: Development Management Development Plan Document (DPD), NP Policies HE2 and BE1 and section 12 of the National Planning Policy Framework (the Framework). Jointly, these policies, among other things, seek proposals for residential development within the village footprint to respect and respond to the character area in which the site is located so that it contributes positively to the identity and character of the area, having regard to local distinctiveness, appropriate siting, layout, separation distances and orientation.

Living conditions

12. Any new dwelling on the appeal site should be sited towards the front of the plot and not set back within it. This would mean that the dwelling would be sited directly in front of or close to the flank elevation windows in Nos 5A and 7. In No 5A there are two obscure glazed windows, though neither appears to serve a habitable room. In No 7 there are two ground-floor windows; one serves a lounge, the other an office. There is also a good-sized first-floor window in No 7 with a Juliet balcony set just above the lintel of the ground-floor windows. This appeared to serve a bedroom and provides a good source of outlook and light.
13. While the occupiers of No 7 are family to the prospective first occupiers of the new dwelling, who may be willing to accept a lower standard of living conditions, that may not always be the case, and that cannot be controlled, so I have approached this issue as if they will not be.
14. DPD Policy DM29 or its explanatory text does not distinguish between main windows or other windows in terms of the proximity of new dwellings to other dwellings. Even so, the proposal would not achieve the typical distance between the ground floor windows of No 7 and a side wall of the proposed dwelling even if it

did not have any windows in its flank elevation. This would likely be the same for No 7's first-floor window if the proposed dwelling were two storeys high. That said, overlooking and overshadowing effects are unlikely to be felt within the rooms served by the flank elevation windows of No 7 due to the orientation of the plot compared to No 7. However, the massing of any dwelling sited towards the front of the plot would cause a significant detrimental impact on the outlook of the occupiers of No 7 due to the proximity of it to the flank elevation windows in No 7.

15. Although siting a dwelling forward in the plot would have an effect on the living conditions of the occupiers of No 5A, that effect would not be significant due to the use of the room(s) behind the obscure glazing, the orientation of the dwelling, and the ability to design a dwelling so that there would be no direct overlooking of No 5A, thereby retaining the privacy of its occupiers.
16. Mutual overlooking of neighbouring gardens is a characteristic of the area. While the proposal would no doubt increase the effect of that felt by the occupiers of Nos 5A and 7, the effect would not be significant.
17. Accordingly, I conclude that the proposal would result in a significant detrimental impact on the living conditions of No 7, with regard to outlook, notwithstanding my finding about privacy and the living conditions of No 5A. The proposal would conflict with DPD Policy DM29 and Framework paragraph 135 f) as it would lead to a significant detrimental impact on the living conditions of No 7 which would mean that they would not have a high standard of amenity.
18. NP Policies HE2 and BE1 are cited in the second reason for refusal, but they are not directly relevant to this issue, as they are focused on developments respecting the character area in which they are located.

Flood risk

19. The appeal site lies in Flood Zone 1 in the Environment Agency (EA) Flood Map and in a High Urban Catchment Area. In accordance with DPD Policy DM33, the latter requires a Flood Risk Assessment (FRA) to be submitted. An FRA was not submitted as part of the planning application, so the FRA lodged with the appeal is new evidence, but I have taken it into account along with the parties' comments.
20. Based on EA mapping, the site is not subject to fluvial, tidal, reservoir, surface water or groundwater flooding. Yet the FRA did not consider the Lancaster Strategic Flood Risk Assessment 2024 (SFRA). Having done so in their final comments, the appellants' evidence shows that part of the site may be subject to a medium risk of surface water flooding in a 100 year event plus 50% climate change allowance (future flood risk models for surface water 2070 (2061-2125)).
21. The area concerned is a section of the site rather than the entirety of it, and it is a useful guide of the potential future risk of surface water flooding. But, as the SFRA explains, those maps are not intended for planning purposes and are not appropriate to act as the sole evidence for a specific planning decision about the risk of flooding. That said, they do indicate a potential future risk, and all sources of flooding should be considered.
22. But, despite the layout shown on the illustrative plan, for the reasons previously explained, a new dwelling on the site should respond to the prevailing relationship and proximity that dwellings have with the road. Applying this principle, a new dwelling, including any access or potentially vulnerable elements on the appeal site, could be designed to, leaving aside all other considerations, be outside of the area of medium risk of surface water flooding shown in the SFRA. As such, a

sequential test is not required in accordance with Framework paragraph 175. Nor is an exception test required in this case. Measures could also be implemented in the detailed design of the proposal so that it is flood resistant and resilient against any potential surface water flooding.

23. Therefore, I conclude that the proposal would accord with DPD Policy DM33, as after the consideration of all sources of flooding, the FRA is satisfactory and sequential, and exception tests are not required in this instance as per Framework paragraph 175. Further, the development could be flood resistant and resilient.

Planning Balance

24. The Council cannot currently demonstrate a five-year supply of deliverable housing sites. The latest assessment puts the supply at 2 years against an annual requirement of 874 dwellings. This means the Council's supply is in the region of 1,748 dwellings, which is a significant shortfall below the five-year requirement of 4,372 dwellings. This means that the tilted balance in Framework paragraph 11 d) is engaged. There are no policies in the Framework that protect areas of assets of particular importance, which provides a strong reason for refusing the proposal.
25. I agree with the main parties that the proposal would be in a sustainable location. Further, the proposal would make effective use of land, and it would provide a self-build home, which would help with the supply of this type of housing. However, the proposal would not add to the overall quality of the area, be visually attractive due to its layout, or be sympathetic to local character, even allowing for innovation and change. These objectives should ideally be mutually achieved, and it means that the proposal would not be a well-designed place in accordance with Framework paragraph 135. It should therefore be refused as per Framework paragraph 139.
26. That said, the proposal is for a self-build dwelling that would be occupied by the appellant's son, who is on the Council's register, and his family. The UU has been submitted to secure the dwelling as such, which means that it is exempt from Biodiversity Net Gain requirements.
27. The Council says that it has granted enough planning permissions to meet its duty under the Housing and Planning Act 2016 to address the demand for this type of housing, but its evidence does not explain whether all the planning permissions granted are suitable in accordance with the Act. This casts doubt on the Council's figures. The appellant's search of planning records over the last three years with descriptions of development containing 'self-build' also suggests a lower number of planning permissions have been granted than the Council say have been. However, it is not necessary to cite 'self-build' in the description of development for the permission to be a suitable permission. The key is whether there is a mechanism that secures the self-build dwelling as such.
28. However, there is no analysis of that either way before me, so the evidence about the number of suitable planning permissions granted is unclear. I will adopt a precautionary approach as if the demand has not been met. Therefore, the UU would mean that the proposal would be a suitable planning permission if the appeal is allowed and help meet the demand for this type of housing. The UU satisfies the tests found in Framework paragraph 58 and the provision of a self-build dwelling attracts moderate weight in favour of the proposal.
29. The proposal would result in benefits and harms. Weighing the two is not a mathematical exercise, but the harms mean that the proposal would conflict with the development plan as a whole. Further, for the reasons set out, the adverse

impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole.

Conclusion

30. 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.
31. For the reasons given above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR