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| <b>Agenda Item</b><br>A16   | <b>Committee Date</b><br>28 September 2009  | <b>Application Number</b><br>09/00688/CU |
| <b>Application Site</b><br>9C Castle Hill<br>Lancaster<br>Lancashire<br>LA1 1YS | <b>Proposal</b><br>Change of use of lower ground floor from office to residential one bedroomed flat (Class C3) |  |
| <b>Name of Applicant</b><br>Mrs Lynda Burke                                     | <b>Name of Agent</b><br>Harrison Pitt Architects  |  |
| <b>Decision Target Date</b><br>9 September 2009                                 | <b>Reason For Delay</b><br>Committee Cycle  |  |
| <b>Case Officer</b>   | Petra Williams  |  |
| <b>Departure</b>  | No  |  |
| <b>Summary of Recommendation</b>  | Refuse planning permission  |  |

## **1.0 The Site and its Surroundings**

- 1.1 The site that forms the subject of this change of use application is the lower ground floor level of a three storey Georgian Grade II Listed Building. The property lies within a terrace of mainly listed two and three storey buildings located in a narrow street which rises up towards the Castle precinct.
- 1.2 The site is currently in office use while the remaining upper floors are in residential use. Access to the property is via a small flight steps leading to a double partially glazed door and raised level window which provides the main outlook for the premises. There is one small window at the side which also high level and directly overlooks the neighbouring private amenity space. The small window to the rear is again at a high level and looks out directly over a rear access lane.
- 1.3 The site is within the Castle Conservation Area and the surrounding properties are in a mixture of residential and office use.

## **2.0 The Proposal**

- 2.1 The application proposes a change of use from office (A2 use class) to a residential one bedroomed flat (C3 use class), to provide a base in the city for the applicant who intends to move to Australia. The only proposed external alteration is the replacement of the existing door with a fully glazed alternative.
- 2.2 Internally a partially glazed partition will be erected to create a bathroom area. The main living area will be a combined kitchen/diner/lounge and an existing doorway will lead through to a small bedroom at the rear of the basement. An existing stone staircase will be retained as a feature for storage. There is no provision proposed for the external storage of refuse bins.

### **3.0 Site History**

| <b>Application Number</b> | <b>Proposal</b>   | <b>Decision</b>              |
|---------------------------|---|------------------------------|
| <b>97/00779/CU</b>        | Change of use and conversion of shop to bed-sit accommodation                                 | Refused and Appeal Dismissed |
| <b>97/00785/LB</b>        | Listed Building Application for alterations to facilitate conversion to bed-sit accommodation | Refused and Appeal Dismissed |
| <b>99/01065/CU</b>        | Change of use and conversion of existing shop into office accommodation                       | Application Permitted        |
| <b>99/01066/LB</b>        | Listed building application for conversion of shop into office accommodation                  | Application Permitted        |

### **4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

| <b>Statutory Consultee</b>  | <b>Response</b>  |
|-----------------------------|--|
| <b>County Highways</b>      | No objections  |
| <b>Civic Society</b>        | No objection   |
| <b>Environmental Health</b> | Concerns regarding lack of external bin storage                              |
| <b>Conservation</b>         | The proposed fully glazed door is considered inappropriate in this location. |

### **5.0 Neighbour Representations**

5.1 Five letters of objection were received. The reasons for objection included the following points:

- Proposal would result in an unacceptable level of residential amenity due to low levels of natural light within the premises which was the basis of the Inspectors dismissal of the previous appeal;
- A concern regarding flooding as the basement is below ground level and maybe effected by run off from further up the hill.

### **6.0 Principal Development Plan Policies**

6.1 The following Lancaster District local Plan and Lancaster District Core Strategy policies are applicable:

- Lancaster District Local Plan Saved Policy **H21** – relates to proposals for conversion of buildings to flats.
- Lancaster District Local Plan Saved Policy **E33** – relates to proposals for internal and external alterations to Listed Buildings.
- Lancaster District Local Plan Saved Policy **E36** – relates to change of use of buildings within Conservation Areas.
- Lancaster District Local Plan Saved Policy **E39** – relates to alterations to buildings within Conservation Areas.
- Lancaster District Local Plan Appendix 2 – Flat Conversions - Outlines the internal and external standards required for flat conversions

## **7.0 Comment and Analysis**

- 7.1 The In principle the change of use of office to residential (C3) in this area would be acceptable in terms of complying with Policy E36 of the Lancaster District Local Plan (LDLP). With regard to LDLP Policy E33 the application would be acceptable in terms of internal works however the proposed fully glazed front door is considered inappropriate for this Listed Building. Nevertheless even if this aspect was acceptable it would have little impact on the amount of light that would enter the basement.
- 7.2 Apart from a reorganised internal layout this scheme differs little from the previous application for change of use to residential which was refused and dismissed at appeal in 1998. In his report the Inspector acknowledged the limited size of the existing windows and glazed areas and that in his opinion artificial lighting would be required during daylight hours in order to provide adequate illumination. Furthermore this situation would inevitably be compounded during the winter months.
- 7.3 The front elevation of the basement is significantly lower than Castle Hill which results in an extremely poor outlook from within the property and consequently the proposal does not accord with LDLP Policy H21 and Appendix 2 (Flat Conversions). Appendix 2 also states that a main bedroom should be a minimum size of 10.2 sq. m, however the proposed bedroom would be 7.2 sq. m. This coupled with an extremely low ceiling and small high level window overlooking the back lane would result in a bedroom with inadequate residential amenity.
- 7.4 Appendix 2 also provides guidelines for external standards and suggests a minimum external amenity/drying area of 9.3 sq. m and also states that bin storage areas must be provided. The current scheme fails to meet both these requirements. Appendix 2 concludes that basement flats are generally considered to be unacceptable for the creation of flats as generally they have poor outlook and lack of natural light. This certainly seems to be the case in this instance.

## **8.0 Conclusions**

- 8.1 The amount of natural light permeating the basement is constrained due to the size of the existing openings and because of the Listed status of the property there seems little that can be done to change this without harming the character of the building.
- 8.2 Therefore it would seem difficult to adequately address the issue of poor outlook and lack of natural light and the proposed conversion to bedsit accommodation would not accord with Appendix 2 – Flat Conversions and would therefore result in an unacceptable level of residential amenity. Furthermore the proposed glazed door is unacceptable and therefore the proposal would be harmful to the character and appearance of the Listed Building and the surrounding Conservation Area.

## **Recommendation**

That planning permission **BE REFUSED** for the following reasons:

1. The proposed bed-sit would comprise a substandard form of accommodation lacking in natural daylight and suffering from a poor outlook. As such it would be contrary to the Lancaster District Local Plan Saved Policy H21 and Lancaster District Local Plan Appendix 2 – Flat Conversions which seeks to ensure a higher standard of living accommodation.
2. The proposed fully glazed door to the front of the basement would be detrimental to the character and appearance of the listed building which is located on one of the main thoroughfares in the Castle Conservation Area. The proposal is therefore contrary to the provisions of Lancaster District Local Plan Saved Policy E33.

## **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

## **Background Papers**

1. None