

Agenda Item	A14
Application Number	22/01445/FUL
Proposal	Creation of balcony with raised platform, installation of French doors to replace window and installation of window to replace back door to the rear elevation
Application site	98 Aldcliffe Road Lancaster Lancashire LA1 5BE
Applicant	Mr Dominic Harrison
Agent	Ms Laura Miller
Case Officer	Mr Sam Robinson
Departure	No
Summary of Recommendation	Refusal

(i) Procedural Matters

This form of development would normally be dealt with the Scheme of Delegation. However, as the applicant is related to a Lancaster City Council Councillor, the application must be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

1.1 98 Aldcliffe Road is a mid-terraced residential property located in the Aldcliffe area of south Lancaster. The property is comprised of stone walls under a slate roof with timber windows and doors. The property faces onto Lancaster Canal whilst to the rear is a stone external staircase and a garden measuring c.115sqm with additional land to the northwest which is separated by an access track.

1.2 The site is located within a residential area, is within the Aldcliffe Road Conservation Area and the terrace's high quality material palette and architectural detailing, and its strong illustrative and associative values mean that it is a strongly positive contributor to the character and appearance of the Conservation Area, and a group of non-designated heritage assets [NDHAs] in its own right.

2.0 Proposal

2.1 This application seeks consent for the creation of a balcony, installation of French doors to replace window and installation of a window to replace back door to the rear elevation. The balcony incorporates the external staircase and measures approximately 1.25m in depth and 5.85m in width and is approximately 2.8m above ground level. The balcony features a 0.9m high balustrade.

2.2 This application is a revised submission of the previously refused application 21/00584/FUL.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
21/00584/FUL	Erection of single storey rear extension with roof terrace above	Refused
06/00617/FUL	Construction of extended dormer on rear elevation	Permitted

4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
Conservation	Objection – Balcony would not sustain or enhance the Conservation Area and concern over cumulative development
Canal and River Trust	No comments

4.2 No responses have been received from members of the public.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Design and impacts on Conservation Area and NDHA
- Impacts on residential amenity

5.2 **Design and impacts on Conservation Area and NDHA (NPPF paragraphs 126, 130, 134, 202 & 203 and policies DM29, DM38 & DM41 of the Development Management DPD (2020))**

5.2.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed Building, Conservation Area or their setting the local planning authority must pay special attention to the desirability of persevering or enhancing the character or appearance of the heritage asset or its setting. Policy DM38 states that any development proposals and / or alterations to buildings, features and open spaces in Conservation Areas should preserve or enhance the character and appearance of the Conservation Areas. Specifically, they will be required to demonstrate that:

- Proposals respect the character of the surrounding built form and its wider setting, in terms of design, siting, scale, massing, height and the materials used;
- Proposals will not have an unacceptable impact on the historic street patterns / boundaries, open spaces, roofscape, skyline and setting including important views into and out of the area;
- Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and
- Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area

5.2.2 Good design is further reinforced by Policy DM29 which states that new development should 'contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palate of materials, separation distances, orientation and scale.' DM41 also states that 'any extensions or alterations should be designed sympathetically, without detracting from or competing with the heritage asset. Proposals should relate appropriately in terms of siting, style, scale, massing, height and materials'

- 5.2.3 The rear of the terrace appears relatively uniformed and unaltered from its original appearance, and it is through this uniformity and stone elevation that contributes to the character of the area. It is acknowledged that the staircase does slightly interrupt this uniformity, but it appears to be a historic addition, remains low level and has a stone finish which is sympathetic to the existing dwelling. It is also noted that the neighbouring property has a balcony however, there is not any planning consent for this.
- 5.2.4 The introduction of a projecting glazed balcony would jar and interrupt the simple and uniformed appearance of this row of terraced properties. Such an addition would alter the pleasant visual appearance of this row of properties and through its choice of design and materials, the structure would not be reflective of the of its host property and clash with the architectural form and appearance of the building. The proposal is not set on the principal elevation of the dwelling, but on an elevation that is visible from the wider public vantage points. The properties are all accessed from the rear and, therefore, the proposal would harm the character and appearance of the property and the visual amenity of the wider Conservation Area as a direct result.
- 5.2.5 In terms of the NPPF, the level of harm is considered to be less than substantial and in accordance with paragraph 202 of the NPPF, 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.'
- 5.2.6 While it is acknowledged that the applicant wishes to make alterations to their property, these are largely for private benefits and as such, there are no significant public benefits to the scheme that would outweigh the visual harm that has been identified.
- 5.3 **Impacts upon residential amenity** (NPPF paragraphs 126, 130 & 134 and Policy DM29 of the Development Management DPD (2020))
- 5.3.1 Policy DM29 requires all new development to 'ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution.'
- 5.3.2 It is noted that the balcony has been scaled back when compared to the previous application which has reduced the overall useable area of the development. However, the terrace still remains in close proximity to the shared boundaries (c.1.5m and c.1.8m) and would still allow for an external elevated seating area to be used by the occupiers. The balcony would offer views to the rear gardens of both no.96 and no.100 and, as a result, the amount of overlooking from the terrace would severely compromise the standard of amenity for the occupiers on either side.
- 5.3.3 It is recognised that there is generally a degree of overlooking of garden areas between properties in residential areas but the inclusion and impact of a balcony in close proximity to the boundaries is considerably greater and could be used for extended periods of time unlike windows and the existing staircase which generally offer a passing outlook. It is also noted that the buildings and vegetation within the neighbouring properties provide a degree of screening but again this is beyond the applicants control and cannot be conditioned to be retained. It would also require the neighbouring properties to retain these at all times to limit the impact of the overlooking.

6.0 Conclusion and Planning Balance

- 6.1 Due to the design and choice of materials, the introduction of a balcony would appear poorly integrated into the host property and one which would also have a detrimental impact on the residential amenity on the occupiers on either side.

Recommendation

That Planning Permission BE REFUSED for the following reasons:

1. The proposed balcony through its scale, design and appearance would result in an unsympathetic addition to the building and terrace causing visual harm to the both the non-designated heritage asset and the Conservation Area. The proposal would therefore be contrary to Policy DM29, DM38 & DM41

of the Development Management Development Plan Document and Section 12 and Section 16 of the National Planning Policy Framework.

2. Due to the proximity of the balcony to the shared boundaries, the proposal would result in a high degree of overlooking of the neighbouring garden spaces on either side. Consequently, the proposal would have a detrimental impact on the residential amenity of the occupiers of both 96 and 100 Aldcliffe Road and would therefore be contrary to Policy DM29 of the Development Management Development Plan Document and Section 12 of the National Planning Policy Framework.

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council has provided access, via its website, to detailed standing advice for householder development in the Lancaster District (the Householder Design Guide), in an attempt to positively influence development proposals. Regrettably the proposal fails to adhere to this document, or the policies of the Development Plan, for the reasons prescribed in the Notice. The applicant is encouraged to consult the Householder Design Guide prior to the submission of any future planning application.

Background Papers

None