

DECISION DATE 6 July 2005	APPLICATION NO. 05/00647/CU A10	PLANNING COMMITTEE: 27 June 2005
DEVELOPMENT PROPOSED CHANGE OF USE OF SINGLE DWELLING TO FORM TWO DWELLINGS, INCLUDING ERECTION OF AN EXTENSION TO THE SIDE		SITE ADDRESS 134 WEST END ROAD, MORECAMBE, LA4 4EF.
APPLICANT: Mr G Rigby, 134 West End Road, Morecambe. LA4 4EF.		AGENT: Cronshaw and Harrison.

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

Morecambe Neighbourhood Council - Observations awaited.

LAND USE ALLOCATION/DEPARTURE

Within the urban area identified in the Lancaster District Local Plan - no specific proposals affecting the site.

STATUTORY CONSULTATIONS

County Council highways - Observations awaited.

Engineering Services - No objections from a highway point of view. A condition will need to be attached to any consent controlling visibility splays. Naming/numbering of dwellings to be agreed.

Strategic Housing - The site is outside the Poulton Renewal Area and that covered by the West End Masterplan - no observations.

OTHER OBSERVATIONS RECEIVED

The occupiers of the house immediately to the north of the site object to the application on the grounds of loss of light, particularly to the back garden, and loss of privacy.

Any other representations received will be reported at Committee.

REPORT

No. 134 is a bungalow at the junction of West End Road and Kilnbank Avenue. The proposal is a resubmission of an application which was considered by your Committee at its meeting on 26 April 2004 (04/00341). A copy of the relevant report is attached. Permission was refused, for the following reasons:

1. Approving additional residential development would add to the supply of housing land available for development in the Lancaster District at a time when its strategic housing targets are already more than adequately catered for by existing planning permissions. This would add to the over supply of housing in the District which would prejudice the need to regenerate declining urban areas of the region and conflict with policies 12 and 13 of the deposited Joint Lancashire Structure Plan 2001-2016 and the urban renaissance policies of Regional Planning Guidance.
2. The development would be contrary to policy H19 of the Lancaster District Local Plan, in that the subdivision of the property would result in the overdevelopment of the site, as insufficient open space would be retained within the curtilage and the accommodation would not provide an appropriately high standard of amenity.
3. The proposal would be contrary to the principles set out in appendix 2 of the Lancaster District Local Plan, in that it would result in the loss of a family sized dwelling for which there is a need in the area.

Mr Rigby intended to appeal against this decision but left it too late; consequently in order to take his case further he has had to reapply. There are some minor differences in the layout of the accommodation, but for practical purposes the present scheme is the same as the earlier one.

The bungalow would be extended along the Kilnbank Avenue frontage to allow it to be subdivided into two units. The one at the corner would have a lounge, dining room, kitchen, bedroom and bathroom. Off street parking would be provided at the side, with a new driveway off West End Road. The smaller unit to the north, intended for Mr Rigby's own occupation, would have a large living/dining area, a bedroom, a kitchen and a bathroom; this accommodation would be laid out to full disability standard, with ramped accesses to both doors. This would have the use of the existing garage with an access off Kilnbank Avenue.

In support of the present proposal, he has submitted the following information:-

- A letter from his architect explaining that Mr Rigby is a widower aged 76, and wishes to extend the bungalow at the rear to provide him with a small dwelling suitable for his own use.
- A letter from Mr Rigby himself explaining that he has a disability pension as a result of an accident suffered at work.
- A letter from his doctor stating that he has had a heart attack, and suffers from angina, and ongoing arm pain associated with his shoulders.
- A letter from his planning consultant arguing that the previous reasons for refusal were unreasonable (a copy of this appears at the end of the report).

Policy H19 of the Lancaster District Local Plan deals with new residential development in Lancaster, Morecambe, Heysham and Carnforth. This requires that it should:-

- Not result in the loss of green space or other important areas of locally important open space.
- Not have a significant adverse effect on the amenities of nearby residents.
- Provide a high standard of amenity.
- Make adequate provision for the disposal of sewage and waste water.
- Make satisfactory provision for access, servicing and cycle and car parking.

Policy H16 of the Local Plan deals with proposals for accommodation for the elderly and sheltered accommodation. It states that this will only be permitted where the site is convenient to a major bus route, local services and other facilities.

Policy H21 of the Local Plan, which deals with flat conversions, is backed up by appendix 2, which states that the City Council will resist the conversion of family sized dwellings into flats.

As before, the proposal is open to objection on several grounds. The first is the principle of providing additional housing at the present time. If it could be shown that the accommodation is to meet a specific local housing need it could qualify for consideration, in spite of the current restrictions, but it is by no means clear why the applicant's requirements cannot be met either by moving to a smaller dwelling elsewhere in the area or by adapting the bungalow in its existing form to meet his requirements. This would obviate the need for any extension.

The extension of the building and its conversion into two dwellings would result in a very intensive form of development. The provision of the off street parking necessary to meet the County Council's standards would leave hardly any private open space within the curtilage. On this basis the proposal would result in overdevelopment, and would be contrary to the principles set out in policy H19.

Finally the proposal is contrary to the spirit, if not the letter, of appendix 2 of the Local Plan. It can be argued that as the present proposal does not involve flats this is not strictly relevant (this point is raised by the applicant's planning consultant in his letter) but the principle remains the same. There is at present a very large concentration of one and two person units nearby, in the West End of Morecambe, and this is now seen as an obstacle to its regeneration.

The objection from the neighbours will be noted. It involves loss of light to their rear garden, possible overlooking and privacy problems. Their concern is understandable. However, at present their back garden is separated from that of no. 134 by a low wall. It would be possible to partly overcome the problem by imposing a condition on any consent requiring the provision of a 1.8 metre wall or fence along the boundary, even though the submitted plans do not show this. Consequently the issues involved are not of themselves sufficient to justify refusal although the potential loss of light to the garden adds to the arguments above regarding over-development.

Taking these factors into account, it is recommended that permission should be refused for the same reasons as previously.

HUMAN RIGHTS ACT IMPLICATIONS

The proposal has to be considered in relation to two sections of the Human Rights Act. These are Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). Article 8 is particularly relevant here as the proposal affects the quality of life for a disabled person. Despite this the issues involved do not appear to be such as 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.

RECOMMENDATIONS

THAT PERMISSION BE REFUSED for the following reasons:-

1. Approving additional residential development would add to the supply of housing land available for development in the Lancaster District at a time when its strategic housing targets are already more than adequately catered for by existing planning permissions. This would add to the over supply of housing in the District which would prejudice the need to regenerate declining urban areas of the region and conflict with policies 12 and 13 of the deposited Joint Lancashire Structure Plan 2001-2016 and the urban renaissance policies of Regional Planning Guidance.
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