

<b>DECISION DATE</b> 6 May 2004	<b>APPLICATION NO.</b> 04/00341/CU	<b>SCHEDULE NO:</b> <b>A 4</b>
<b>DEVELOPMENT PROPOSED</b>  CHANGE OF USE OF A SINGLE DWELLING TO FORM TWO DWELLINGS INCLUDING SINGLE STOREY EXTENSION TO THE SIDE	<b>SITE ADDRESS</b>  134 WEST END ROAD MORECAMBE LANCASHIRE LA4 4EF	
<b>APPLICANT:</b>  Mr G Rigby 134 West End Road Morecambe Lancashire LA4 4EF	<b>AGENT:</b>  Cronshaw And Harrison	

**REASON FOR DELAY****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** – This is a fairly intensive use of the site - reluctant to see a further access created. However this site does not of itself provide grounds for objection. Conditions should be attached to any approved dealing with the level of the driveway and the provision of visibility splays.

**Engineering Services** – No objection, but the existing site access off Kilnbank Avenue does not have a footway crossing. The footway needs to be lowered. Condition needed to require provision and retention of off street parking.

**Strategic Housing** - Observations awaited.

**OTHER OBSERVATIONS RECEIVED**

The occupiers of the adjoining semi-detached house object to the proposal on the following grounds:

- Loss of light, particularly to the back garden
- Loss of privacy
- Loss of property value (this however is not a planning consideration)

Any other representations received will be reported at committee.

**REPORT**

This proposal involves the subdivision of a dwelling into two, and would normally be considered under delegated powers. It has been placed on your committee's agenda because of the issues involved, and the need to weigh policy objections to the development against the applicant's personal circumstances.

No. 134 is a detached three bedroom bungalow at the corner of West End Road and Kilnbank Avenue. It has a larger than average plot, as it includes a portion of what used to be a back lane which has been closed off; this is occupied by a driveway and a garage. The applicant is a 75 year old widower and now finds the dwelling too large for his requirements. He is in receipt of a disability pension as a result of an accident at work. He therefore wishes to extend the existing building on the Kilnbank Avenue side to allow its conversion into two one bedroom dwellings. Off street parking would be available for both dwellings. One would have the use of the existing vehicular access and garage, together with a ramped access to the back door suitable for wheelchair use. The other would be provided with a new driveway along the boundary with 136 West End Road, serving two off street parking spaces.

The design and materials of the extension would match the existing building. Both units would meet the space standards for small dwellings set out in the Lancaster District Local Plan. However Appendix 2 of the Local Plan, which sets out those standards, states that:

"The Council will resist the conversion to flats of smaller detached or semi-detached suburban properties which are suitable for single family occupation."

The present proposal involves a bungalow but the principles involved are exactly the same: the development involves the conversion of a single dwelling suitable for family use into a pair of one bedroom bungalows. Members will be aware of the concerns expressed in the past about the concentration of one bedroom dwellings in the West End of Morecambe. This property is only a short distance outside the Renewal Area. The dining room shown for each dwelling on the plans could if required be used as a second bedroom. Even so the development proposed would be in breach of the spirit, if not the letter, of the policy.

The proposal also has to be considered in relation to the current restrictions on new dwellings set out in Supplementary Planning Guidance Note 16, The Phasing of New Residential Development. This categorises sites for new housing as A, B and C. To qualify for inclusion in category A, the proposal needs to provide clear local benefits by:

- Bringing derelict and/or contaminated land into beneficial use
- Aiding local regeneration initiatives
- Completing existing phases of partially developed sites
- Providing the means to restore important historic buildings
- Meeting an identified need such as for affordable housing, student accommodation or sheltered or specialist forms of accommodation.

The only one of these objectives which the present application could be considered to meet is the last of them. At present a very small proportion of the District's housing stock has been designed with wheelchair access in mind. As at first submitted, the proposal did not meet in full the requirements of part "M" of the Building Regulations which set out standards for wheelchair accessible buildings, as the bathroom was too small for wheelchair use. The applicant's architect has agreed to amend the proposal to take account of them. But if the justification for the proposal is that the accommodation is intended to meet a specific need, it should be noted that the applicant is not a wheelchair user. He is quite capable of negotiating steps and there is no obvious reason why his immediate need for a smaller dwelling cannot be met by an existing bungalow elsewhere in the area.

The other criteria against which the application has to be considered are those set out in policy H19 of the Lancaster District Local Plan. This requires that new residential development within Lancaster, Morecambe, Heysham and Carnforth 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, and
- Make satisfactory provision for access, servicing and cycle and car parking.

The pair of semi-detached bungalows which would be created here would have only a minimal amount of genuinely private open space. Although there would be enough space to accommodate bicycles and bins, the extension would take up much of the existing back garden and the off street parking spaces would account for a substantial part of the remaining curtilage. The objection from the neighbours will also be noted. At present their back garden is separated from that of no. 134 by a 1 metre high wall. It would be possible to impose a condition on any consent requiring the developer to construct a 1.8 metre fence to preserve their privacy. It would limit the outlook at the back of the building but as the only windows facing this area would be kitchen ones, the problem of overlooking can be overcome and this does not provide a justification for refusal of the application.

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

Members will wish to give careful consideration to the applicant's case. The location meets the requirements of policy H16. However it is difficult to reconcile the application with the requirements of the other relevant policies, particularly the current restrictions on new housing development and the loss of a family sized unit of living accommodation. On balance, it is recommended that permission should be refused.

#### **HUMAN RIGHTS ACT IMPLICATIONS**

Two sections of the Human Rights Act are relevant: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). The personal circumstances of the applicant need to be considered carefully in relation to the first of these. However, the issues arising from the proposal 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:

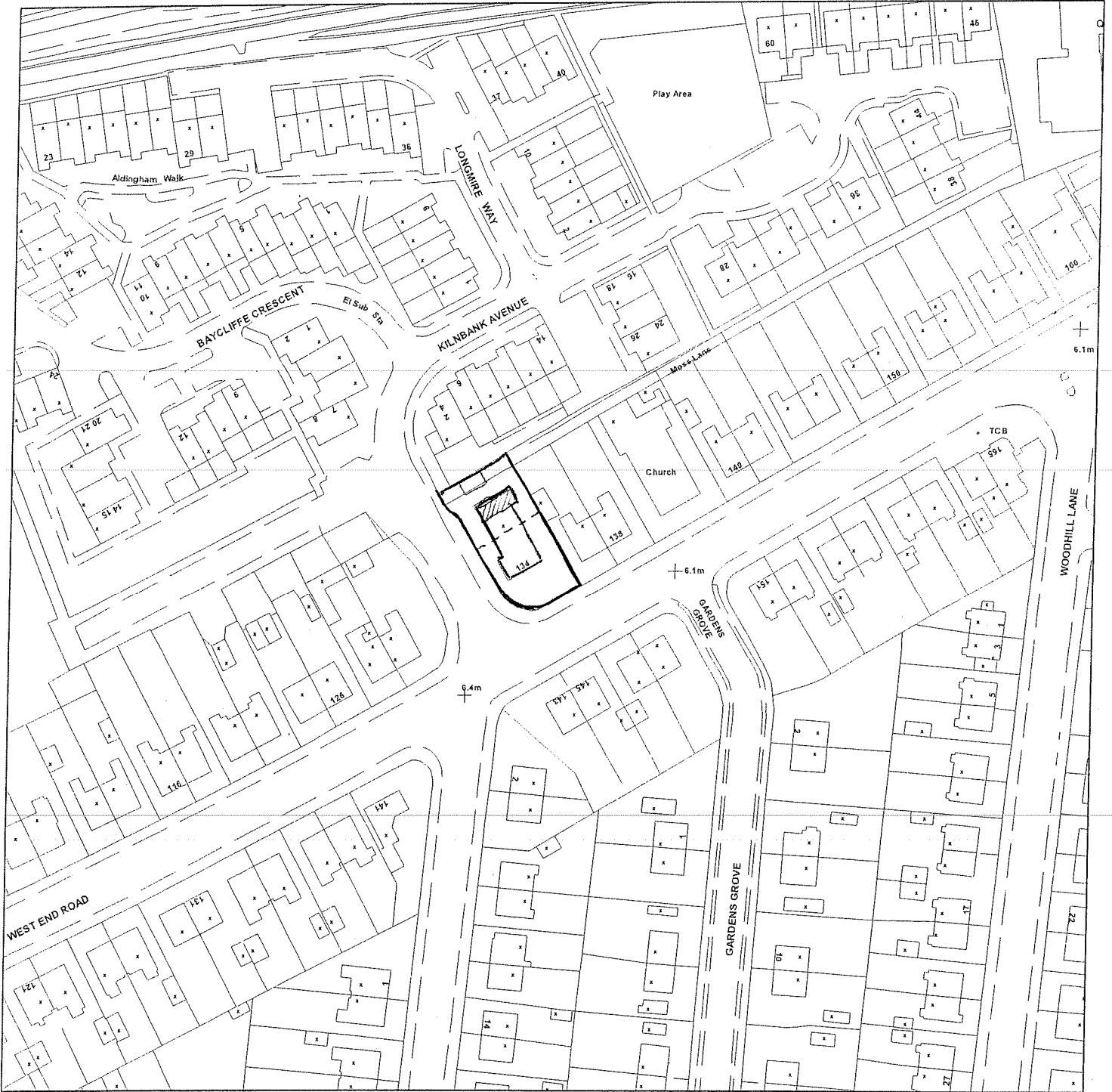
1. Approving additional residential development would add to the supply of housing land available for development in the Lancaster District at a time when its strategic housing targets are already more than adequately catered for by existing planning permissions - would add to the over supply of housing 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. Contrary to policy H19 of the Lancaster District Local Plan - subdivision of the property would result in the overdevelopment of the site, in that insufficient private 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.

# 134 WEST END ROAD, MORECAMBE

## Location plan



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	Lancaster City Council
<b>Department</b>	Planning
<b>Comments</b>	
<b>Date</b>	23 March 2004
<b>SLA Number</b>	078379 2003

# Barden Planning Consultants

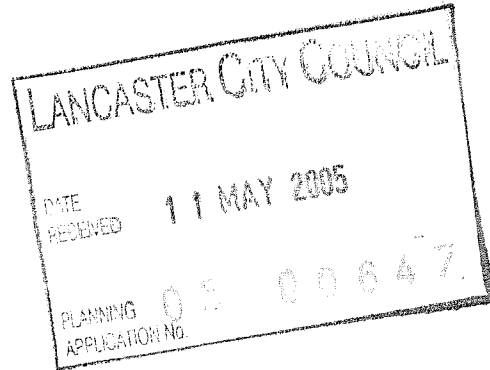
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4 May 2005

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LA1 1PW



For the attention of David Hall

Dear Mr Hall

**MR G RIGBY, 134 WEST END ROAD, MORECAMBE**

I am writing to you in support of a revised application for the above property. I was originally asked about the prospects of appeal but unfortunately at a time when the appeal timetable was restricted to three months, during which time Mr Rigby, the applicant, was ill and had been unable to progress matters further.

The revised submission is not significantly different in terms of the external appearance of the building but it does provide a layout which is more suited to a disabled person.

Having looked at the original reasons for refusal I do think that they are unreasonably harsh. I have also seen a copy of the planning officer's report which you supplied to Geraldine Smith, Mr Rigby's local Member of Parliament.

I think it is appropriate first of all to look at the Supplementary Planning Guidance on the release of housing in Lancaster and in doing so it is appropriate to point out that this proposal is for the re-use of an existing building, albeit with an extension. It is not straightforwardly therefore a site and it is necessary to look at paragraphs 3.22 and 3.23 of your Supplementary Planning Guidance and the policy which allows for residential conversions which do not prejudice local regeneration initiatives. That policy allows for permission to be granted on sites in Categories A and B. Thus, even if the assessment in your Committee report that this site did not fall within Category A was correct, it quite clearly does fall within Category B and therefore is acceptable in relation to the policy set out above.

I personally believe that because the building is specifically designed to provide specialist accommodation for Mr Rigby, who is disabled and who recently also suffered a heart attack, it is in any case a Category A site.

It is also appropriate at this stage to refer to PPG3 and its concerns about making the best use of existing buildings and the suggestion in paragraph 41 that planning authorities should promote such conversions by taking a more flexible approach to development plan standards with regard to densities, car parking, amenity space and overlooking. This of course has relevance for the assertion in the reason for refusal that the proposal is also contrary to Policy H19 of the Local Plan.

Finally, before leaving the issue of your Supplementary Planning Guidance, I note the reference to Policies 12 and 13 of the deposited Joint Lancashire Structure Plan and the reference within it to the urban renaissance policies of regional planning guidance. It is of course part of the regional planning guidance that particular attention will be paid to what are described as Regeneration Priority Areas as set out in Policy SD3 of the regional guidance. These include Morecambe, within which the application site is located.

I now turn to the assertion that the proposal is contrary to Policy H19 of the Lancaster District Local Plan because it amounts to over-development of the site as insufficient private open space would be retained and it would not therefore provide an appropriately high standard of amenity. I have referred you to the guidance in PPG3 and I think it is plainly untrue to suggest that this site is over-developed as a consequence of this proposal. There is adequate space for the parking of vehicles, there is adequate space for the storage of dustbins and so on, for hanging out washing, and a limited amount of amenity space. Many properties that are approved within your area have less amenity space and the emphasis on high densities also set out in your housing policies indicates that such levels of amenity space as are available here will generally be considered acceptable (see Policy H13).

Finally I turn to the reliance placed on Appendix 2 of the Lancaster District Local Plan and I do find this extremely surprising. Appendix 2 is specifically related to the conversion of buildings to flats and plainly does not apply to a proposal such as this. The only housing policy that applies in this instance is Policy H19, which has already been dealt with.


Appendix 2 cannot be prayed in aid of different proposals and is only relevant to those proposals which fall within the purview of Policy H21 which appears under the heading Flat Development.

I recognise that the reason for refusal refers to a conflict with the principles set out in Appendix 2 rather than specifically to Appendix 2, but it is still unacceptable to claim this as a development plan policy that is relevant in this case.

I think it is also important to point out that the dwellinghouse as it stands has been extended by the applicant himself some years ago and that originally it was a two bedroom unit of exactly the same size as the larger of the two units that would be created by this proposal. It is the extension as originally constructed, together with the new extension, that create the specific designed unit for Mr Rigby. In practice there is therefore no change over and above what originally existed on site in so far as the one dwelling is concerned and you do have two units which meet the needs of small households and particularly of elderly households given that this development is of bungalow form.

I hope that against the background of this interpretation of planning policy you will feel able to recommend to your Committee that the needs of this applicant can appropriately be met by what he proposes without any consequential detriment to the Council's policies, and that as such permission ought to be granted.

Yours sincerely



Brian Barden