



Appeal Decision

Site visit made on 30 June 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2020

Appeal Ref: APP/U2370/W/20/3247935

34-37 High Street, Garstang, Preston PR3 1EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by N D and A N Stores LTD against the decision of Wyre Borough Council.
 - The application Ref 19/00769/FUL, dated 9 March 2019, was refused by notice dated 29 November 2019.
 - The development proposed is the first floor conversion to 7 No apartments. Including new external windows.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Part E of the appeal form states that the description of development has not changed from that on the planning application form, nevertheless, a different wording has been entered. Based on the evidence before me, the proposal has been amended by reducing the number of apartments and includes various external works. The description given on the decision notice and appeal form state that the development proposed is the conversion of the first floor to form five apartments with the insertion of new windows, the repositioning of an external staircase, and the provision of a wall and fencing. This more accurately reflects the proposal before me and has been used for this decision.
3. The appeal site is located within the Garstang Conservation Area (CA). Therefore, I have dealt with this in the main issues.

Main Issues

4. The main issue are:
 - The effect of the proposal on the character and appearance of the building and the surrounding area with particular regard to window design and the CA.
 - the living conditions of neighbouring occupiers with particular regard to privacy; and
 - the living conditions of future occupiers of the apartments with particular regard to outlook, bin and cycle storage provision.

Reasons

Character and Appearance

5. The appeal site is located on High Street, which is within the Garstang CA. I have a statutory duty, under Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the effect of the proposal on the character and appearance of the CA.
6. The CA covers the commercial centre of Garstang and surrounding residential streets. High Street is very much central to the CA, which maintains its market town appearance, that is characterised by the traditional 18th, 19th century style of properties, constructed in traditional materials which reflect the historical and architectural interest of the area, and the significance of the CA. These provide the prevailing character and appearance of the area.
7. The appeal property is a modern two storey detached commercial building. It has a distinctive angular appearance, a two storey glazed frontage with bulky vertical frames at the first floor level, and extensive brick side and rear elevations. The building's utilitarian presence, contrasts with the prevailing character and appearance, and contributes little to the special character of CA.
8. The proposed high level windows and three projecting angled bay windows would provide variation and break up the otherwise blank elevations. The two windows on the southern elevation would be evenly spaced, with high level windows either side providing a sense of symmetry. The projecting window on the northern elevation would be slightly off centre, but when read in combination with the adjacent doorway both features would appear central.
9. Whilst the frames of the projecting windows would be wide, this would reflect the existing bulky window frames to the front of the building. At first floor level they would draw the eye and be visible from the highway and nearby properties, however their scale would be minor, and their form would be in keeping with the angular appearance of the building. A planning condition could also ensure a suitable quality of materials.
10. There are no similar windows in the vicinity of the site, however, the building is already unique within the street scene, and for the above reasons they would not detract from the overall commercial nature of the building or the prevailing character and appearance of the area. I also note that, the Council's Conservation Officer does not object to the proposals and I am satisfied that the development would not harm the special character of the CA.
11. Consequently, I conclude that the proposal would not harm the character and appearance of the building, the surrounding area or the special character of the CA. It would accord with Policy CDMP3 of the Wyre Council Wyre Local Plan (2011- 2031) (2019) which amongst other things, seeks to ensure development respects or enhance the character of the area. The proposal is consistent with paragraph 193 of the Framework, which seeks to ensure that new developments preserve and enhance Conservation Areas and prevent harm to designated heritage assets.

Living Conditions of Neighbouring Occupiers

12. The Old Smithy and 39 High Street are positioned to the south of the appeal site. Both of these properties contain residential accommodation and have

private amenity spaces to the rear. To the north of the site is a bungalow known as Oddfellows Hall, this has windows to the side and garden to the rear.

13. The three proposed projecting bay windows would be positioned at the first floor level, and would serve combined living, kitchen and dining rooms in three separate apartments. A narrow entry and strip of land separates the appeal building and these properties to the south. Whilst the service yard separates the building from Oddfellows Hall to the north.
14. Due to their close proximity and height, the windows would significantly overlook the private amenity space and rear elevations of the properties to the south, causing loss of privacy to the occupiers. Whilst the panes of glass would be angled, given the close proximity this would not lessen my concerns.
15. An existing wall and high level planting provide screening for the windows to the side of Oddfellows Hall. This in combination with the separation would prevent loss of privacy. I also note the proposed alterations to the staffroom window, however this is an existing opening and, in my view, would not cause any significant increase in overlooking.
16. Consequently, the proposal would cause loss of privacy that would harm the living conditions of neighbouring occupiers at the Old Smithy and 39 High Street. It does not accord with Policy CDMP3 of the Wyre Council Wyre Local Plan (2011- 2031) (2019) and Supplementary Planning Document 4 (1998) which amongst other things, seek to protect residential amenity.

Living Conditions of Future Occupiers

17. Each of the apartments would contain two bedrooms. The submitted evidence, including the plans and elevations show that the bedrooms would be served by high level windows that are 1.7m above floor level.
18. Positioning the windows at such a height would not provide any reasonable or functional outlook for occupiers. This would result in a stark living environment, that would be harmful to the quality of life and wellbeing of the future occupiers of the proposed apartments.
19. I note the Council's concerns with regards to the location of the bin and cycle store. The potential conflict with delivery vehicles would not be conducive to the safety and wellbeing of occupiers and contributes to my concerns above. Whilst improvements could be sought by condition, this would not overcome the harm caused by the high level windows.
20. For the above reasons, the proposal would not provide suitable living conditions for the future occupiers. It would not accord with Policy CDMP3 and CDMP6 of the Wyre Council Wyre Local Plan (2011- 2031) (2019) which collectively seek to ensure development provides a good standard of amenity for the occupant's, with suitable provision for waste and safe access for pedestrians and cyclists.

Other Matters

21. I have considered concerns raised regarding to noise, disturbance, and lighting. However, I note the appellant has carried out a noise survey, and the Council have not raised concerns with these matters. Based on the evidence before me there is no good reason for me to conclude otherwise. This does not affect my findings on the main issues above.

22. I note the neighbours' concerns raised with regards to inaccuracies in appeal statement, the access and bathroom arrangements for the apartments, the larger staff room window and existing boundary treatments. However, these matters do not alter my findings on the main issues.
23. The Council state that they have a 5 year supply of deliverable housing sites. Based on the evidence before me I have no good reasons to conclude otherwise. This does not affect my findings above.

Conclusion

24. I have found there would be harm to the living conditions of nearby occupiers, and future occupiers of the apartments. Given that results in conflict with development plan policies, the proposal would be contrary to the development plan as a whole. As such, I conclude that the appeal should be dismissed.

R Cooper

INSPECTOR