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## Appeal Decision

Site visit made on 12 July 2016

by **Thomas Hatfield Ba (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4<sup>TH</sup> August 2016

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**Appeal Ref: APP/J2373/W/16/3148742**

**Unit 2, Back Threlfall Road, Blackpool, FY1 6NW**

- 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 Mr Tony Mulligan against the decision of Blackpool Borough Council.
  - The application Ref 15/0502, dated 23 July 2015, was refused by notice dated 15 January 2016.
  - The development proposed is a change of use from storage (B8) into offices (B1).
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. On my site visit, I noted some minor differences between the submitted plans and the part of the development that had already been implemented. These differences relate to the internal configuration of Unit 2. However, the proposed plan (ref A013/175/P/100 Revision C) was considered by the Council when determining the planning application and it was also submitted as part of the appeal documentation. Accordingly, I am required to determine the appeal on the basis of the submitted drawings.

### Main Issues

3. The main issues are, firstly, the effect of the development on the living conditions of neighbouring occupiers with regard to overlooking, loss of privacy, noise, and disturbance, and secondly, whether there is sufficient parking to serve the development.

### Reasons

#### *Living conditions*

4. The appeal building is located in a backland area and is accessed via a narrow alleyway that links Threlfall Road and Eccleston Road. The building is two stories in height and has already been partly converted into office use. First floor windows have been installed in both the eastern and western elevations. These look out over the rear of residential properties fronting Threlfall Road and Eccleston Road.
  5. The first floor windows are obscurely glazed, which prevents direct overlooking of the residential properties when the windows are closed. However, these
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windows are side opening. On my site visit it was a warm day and workers in the office had the windows fully open to allow air into the building. This allowed direct views into the rear yards and habitable room windows of the properties on either side, at a short distance. This unacceptably harms the privacy of these properties.

6. There are tall boundary walls to the rear of properties fronting both Threlfall Road and Eccleston Road, and a number of large outbuildings. However, these do not prevent overlooking from the first floor windows of Unit 2.
7. In addition, the Council states that the development would cause disturbance to neighbouring properties by virtue of increased comings and goings of employees. However, the business is already in operation and there is no evidence before me that the existing employees cause unacceptable disturbance. The additional employees accommodated by the development would have only a minor incremental impact in this regard.
8. I conclude that the development would unacceptably harm the living conditions of neighbouring occupiers with regard to overlooking and loss of privacy. It would therefore be contrary to Policies CS7 and BH3 of the Blackpool Local Plan: Part 1 - Core Strategy (2016). These policies seek to ensure, amongst other things, that new development does not unacceptably harm the living conditions of neighbouring occupiers. It would also be at odds with the National Planning Policy Framework which seeks to protect amenity.
9. In coming to that view, I have had regard to the appellant's suggestion that obscure glazing could be secured by condition. However, at present workers in the officer are able to fully open the obscurely glazed windows, allowing direct views into neighbouring properties and gardens / yards. The suggested condition would not address this issue.

#### *Car Parking*

10. The extension of the business into Unit 2 would allow for the number of employees based onsite to be increased to 23. There is currently no dedicated off-street parking available for either staff or visitors, and no additional spaces are proposed.
11. At the time of my site visit, which was during normal office hours, there were numerous spaces available on both Threlfall Road and Eccleston Road. These would have been sufficient to accommodate the cars associated with the additional employees. The proposal would only generate a limited amount of additional traffic, and there is no substantive evidence before me that it would lead to congestion or would be harmful to pedestrian safety. This matter would also have been capable of being mitigated via a condition requiring the submission of a Travel Plan.
12. The site has been subject to a previous appeal (ref. APP/J2373/W/15/3002923) for the creation of apartments in Unit 2. In that appeal, the Inspector noted the availability of sufficient on-street parking in the nearby area to serve the development. Whilst the current proposal may attract slightly more parking than the previous proposal, I consider that the availability of on-street parking in the local area is sufficient to accommodate this.

13. I conclude that there would be sufficient parking available to serve the development. It would therefore be in accordance with Policies AS1 and DE4 of the Blackpool Local Plan: Part 1 - Core Strategy (2016).

**Other Matter**

14. There is no evidence before me that the existing refuse storage and collection arrangements have led to any problems. The appellant states that both refuse storage and cycle parking could be accommodated in the ground floor storage area. This matter would have been capable of being dealt with by condition had I found the scheme acceptable on the main issues.

**Conclusion**

15. For the reasons set out above, I conclude that the development unacceptably harms the living conditions of neighbouring occupiers with regard to overlooking and loss of privacy. Whilst there is a positive benefit in terms of job creation, this does not alter my view that the appeal should be dismissed.

*Thomas Hatfield*

INSPECTOR