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# Appeal Decision

Hearing held on 23 November 2010

Site visit made on 23 November 2010

**by Richard Clegg BA(Hons) DMS MRTPI**

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

**Decision date: 29 December 2010**

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**Appeal Ref: APP/J2373/A/10/2131764**

**50 Bispham Road, Blackpool, Lancashire, FY2 0SX**

- 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 Liberate Homes against the decision of Blackpool Borough Council.
  - The application Ref 10/0341, dated 11 March 2010, was refused by notice dated 7 June 2010.
  - The development proposed is described as 'to demolish the existing house and out-building and to build a block of flats containing 14 two-bedroom flats'.
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## Decision

1. I allow the appeal, and grant planning permission for the demolition of the existing house and out-building and the erection of a four-storey building comprising 14 two-bedroom flats at 50 Bispham Road, Blackpool, Lancashire, FY2 0SX, in accordance with the terms of the application, Ref 10/0341, dated 11 March 2010, as modified by the submission of revised elevations on drawing ref A009/074/P/02F, subject to the conditions in the attached schedule.

## Procedural matters

2. At the hearing, the main parties agreed that the proposed development is more clearly described as the demolition of the existing house and out-building and the erection of a four storey building comprising 14 two-bedroom flats. I have considered the appeal on this basis.
3. The appellant submitted a drawing showing revised elevations at the hearing (Document 7). On this drawing the eaves and ridge levels have been lowered. The ridge line on the elevations which were considered by the Council has a height of about 12.6m, whereas it is about 11.9m on the revised drawing. The eaves height is lowered from about 8.7m by a similar amount. These amendments are not substantial and would reduce rather than increase the effect of the building. I am satisfied that consideration of the revised elevations would not cause prejudice to the interests of any parties, and I have, therefore, taken them into account in determining the appeal.

4. A planning obligation in the form of a unilateral undertaking was submitted at the hearing (Document 1). The obligation concerns the payment of a financial contribution towards the provision of public open space. In the light of the obligation, the Council advised that it would not be pursuing its fourth reason for refusal concerning the provision of open space.

### **Main Issues**

5. I consider that the main issues in this appeal are:
  - (i) The effect of the proposed development on the character and appearance of this part of Blackpool.
  - (ii) The effect of the proposed development on the living conditions of future occupiers and nearby residents.
  - (iii) Whether the level of parking provision would be appropriate, having regard to traffic movement and highway safety.

### **Background**

6. Planning permission was granted in December 2007 for the erection of a four storey building containing 12 flats on the appeal site. The approved plans show a wider and shallower building than that now proposed. It would also have a slightly lower ridge line than that on the revised elevations for the appeal proposal. Eight parking spaces were included in the previous scheme.

### **Reasons**

#### ***Character and appearance***

7. The appeal site is situated on the stretch of Bispham Road between the traffic light junction with Warbreck Hill Road, Plymouth Road and Holyoake Avenue to the north and Layton rail station to the south. There is a variety of residential development along this part of the road including both flats and houses. Immediately to the south of No 50 at Chelsea Mews is a three-storey block of flats with a flat roof and beyond this the flats at Henley Court are in three storey buildings with pitched roofs. The appeal proposal would provide four floors of accommodation, but the upper floor would be above eaves level. This design approach was used in the 2007 scheme, and the position of the eaves above the third storey would reflect the appearance of Henley Court. As a result of the amended elevations, the overall height of the building would be only slightly greater than that of the 2007 block. In any event, I do not consider that the original height of about 12.6m would have represented a material increase above the 11.7m-11.8m ridge height of that building.
8. The proposed building would be positioned about 2m back from the footway: this is over 1m closer than the previously approved scheme and it would also be closer than the other buildings on this side of the road. However, I do not consider that the siting of the block of flats would appear discordant in relation to the general building line to the south of the appeal site. This is only a short stretch of road and there is no particular uniformity in the appearance of the built development on the east side of the road. The front elevation of the building would incorporate two gables above which the roofs would project further forward, and it would also include a canopy and Juliet balconies. These features are not so significant individually or in combination as to contribute to

a structure which could be described as unduly dominant in Bispham Road. They would, rather, add interest to the building and the street scene.

9. The building now proposed would not extend as far along the frontage as the 2007 scheme, but it would have a deeper footprint and would be closer not only to Bispham Road but also to Plymouth Road at the back of the site. Its depth would be particularly apparent from Bispham Road to the north of the nearby junction. This is a prominent position at a busy junction and I agree with the Council that it is an appropriate location for a landmark building. Although the building would extend across the widest part of the site, an open area would remain at the northern end and the junction itself provides a significant space which would be in the foreground when the development was seen from further to the north. A less substantial building would not be as well-suited to this location, and I consider that the proposed four storey block, incorporating a gable feature on the north elevation, responds appropriately to its setting on Bispham Road and close to the junction, as required by part (B) of Policy LQ4 of the Blackpool Local Plan 2001-2016. I conclude that the proposed development would make a positive contribution to the character and appearance of this part of Blackpool, and it would thereby comply with Policies LQ1 and LQ2 of the Local Plan.

### ***Living conditions***

10. The block of flats would face the side elevation of the bungalow at No 34 Chelsea Avenue. This property, which I had the opportunity to visit, has two windows to habitable rooms in the side elevation to Bispham Road. Design Guidance 1D of the Supplementary Planning Document (SPD) – Extending Your Home seeks a minimum separation distance of 21m between habitable windows at first floor level and any facing habitable windows in neighbouring properties. The SPD is concerned with extensions, but the Council explained that it also applies this requirement to proposals for new housing. It was further suggested that a greater separation distance was appropriate when a development proposal involved a taller building, although there is no such reference in Design Guidance 1D.
11. The Council calculated that the distance between the proposed flats and No 34 Chelsea Avenue would be 23.5m, which would exceed the minimum gap sought. Both of the rooms concerned at No 34 – a bedroom and a lounge – have a second window in another elevation. Moreover the direct view from the lounge window on the left hand side of the facing elevation of the bungalow is to the access to Chelsea Mews which runs alongside the appeal site, and not to the new building itself. Given the circumstances at No 34 and the relationship between that property and the intended position of the new building, I do not consider that the appeal proposal would appear unduly dominant in the outlook from the bungalow, or that it would result in a material loss of privacy or light.
12. I turn now to consider the living conditions of future occupiers of the flats. At the hearing, the Council accepted that the scheme includes an area of private amenity space. No minimum area has been specified, and the provision of space at the northern end of the site would be sufficient to accommodate certain external domestic activities. The distance from the bin storage area to the carriageway would be about 25m. This is consistent with the Council's requirements, and accordingly I do not consider that the storage area would be located in an inconvenient position. Plymouth Road, which rises to a railway bridge along the north-east boundary of the site, is a busy route: the main

parties agreed that the effect of noise could be addressed by means of a condition requiring an assessment and the implementation of recommended mitigation measures. I agree with this approach. The Council suggested that the elevated position of Plymouth Road could impinge on the privacy of occupiers. However a scheme of boundary treatment, the approval of which could be required by a condition, could include screening alongside the footway of Plymouth Road. The appellant has stated that it is intended that the flats would be occupied by disabled people. Three disabled parking spaces are shown at the side of the building on the site plan, and the Council expressed a view that this provision would not be convenient for the intended occupants. There is no detailed evidence before me as to the level of disabled parking spaces which would be appropriate for this size of development, and I note that this was not a matter about which the Council expressed concern when it considered the application.

13. I conclude that the proposed development would not result in unacceptable living conditions for future occupiers or the occupiers of No 34 Chelsea Avenue. Accordingly it would not conflict with Policy BH3 of the Local Plan.

### **Parking**

14. The Council's parking standards set out lower levels of provision in areas of high accessibility (Document 5). Plymouth Road and the section of Bispham Road to the north of the traffic light junction is a main route within the urban area and it is used by bus services. A short distance away at the southern end of Bispham Road is Layton rail station. The main parties agree that the appeal site is in an area of high accessibility, and I share this view. The level of provision in such areas is reduced to an average of 1.5 spaces unless exceptional circumstances are demonstrated. The Council confirmed that its standards are maxima, which is in line with the national policy approach in Planning Policy Guidance Note 13.
15. Using the Council's standards, the maximum level of parking provision for the development would be 21 spaces. The 2007 scheme for 12 flats provides 8 spaces, and the Council suggested that a similar level of provision for the 14 flats of the appeal proposal would be about 9 spaces. In this highly accessible location, where public transport services are available close at hand, it is not necessary for the number of spaces to reach the maximum level of provision in the standards. However, the number of spaces is clearly below that level and I consider it likely that the proposal could result in some additional on-street parking in the area.
16. Parking is not permitted between 1000 and 1600 hours from Monday to Friday on the east side of Bispham Road past the appeal site to Henley Court<sup>1</sup>, and at the northern end of the road parking is not permitted at any time. The only specific evidence before me concerning on-street parking is in the surveys undertaken on behalf of the appellant<sup>2</sup>. These record spare capacity on this stretch of Bispham Road of between 25 and 37 vehicles at times when parking can take place outside the appeal site (1600 to 1000 hours). The two records

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<sup>1</sup> The plan at appendix 10 of the appellant's statement indicates that the waiting restrictions do not continue along the whole of the Bispham Road frontage of the appeal site. At the hearing it was acknowledged that the plan is incorrect in this respect.

<sup>2</sup> Appendices 8 and 9 to the appellant's statement, supplemented by Document 12. In Document 12, the total number of vehicles on Bispham Road at 1730 on 13 August is given as 8 with a spare capacity of 37. These figures do not relate to the individual sub-totals and the correct figures of 20 vehicles and 25 for spare capacity are in appendix 8.

made during the period 1000 to 1600 hours, when capacity for parking is reduced, show that space was available for 8 and 12 vehicles on those occasions. If the development were to generate a requirement for space for about 9 vehicles to park at any one time, which the Council suggested would be comparable to the 2007 scheme, there would be a shortfall of three spaces in respect of the on-site provision. The minimum level of on-street spare capacity recorded in the surveys is space for 8 vehicles, and this is during the normal working day when fewer occupants of the flats may be at home. Even if parking space for more than nine vehicles was required at certain times, there is the opportunity for additional parking to be accommodated on Bispham Road.

17. Access to this part of Bispham Road at the traffic lights is restricted to vehicles turning left from Plymouth Road, and there is no exit to the junction. At the other end there is no route for vehicles past the railway station. This stretch of road provides access to an area of housing and the rail station, and it is not heavily trafficked. The Council's third reason for refusal suggests that increased demand for on-street parking would exacerbate existing highway congestion and parking problems in the area. However there are no details before me to substantiate these claims. On this residential road, I do not consider that the level of additional on-street parking likely to be generated by the proposed flats would either impede the free flow of traffic or materially increase the prospect of conflict between road users.
18. Policy AS1 of the Local Plan requires that appropriate levels of parking are provided in accordance with the Council's standards. For the reasons given above, I am satisfied that the number of spaces included in the scheme would not adversely affect traffic movement or highway safety. No cycle parking facility is shown on the submitted plans, but the main parties agreed that this matter could be addressed by means of a condition. With this safeguard, I conclude that the level of parking provision included in the proposed development would be appropriate, and that in this respect there would be no conflict with Policy AS1.

### ***Other matters***

19. The Council seeks a financial contribution of £9,632 towards public open space provision, which the planning obligation would deliver. However there is nothing before me to justify either the level of contribution specified or its intended use, and accordingly it can only carry limited weight.
20. A tree preservation order refers to a line of poplars close to the southern boundary of the site, but none of these trees remain.

### **Conclusion**

21. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

### **Conditions**

22. I have already referred to conditions concerning noise assessment, boundary treatment and cycle parking, all of which I intend to impose. To ensure that the development would be in keeping with its surroundings, details of materials should be submitted for approval and the landscaping scheme implemented. In the interest of highway safety, it is important that the parking spaces included in the scheme should be provided, and as there was a landfill site

within 250m, I agree with the main parties that a contamination assessment should be carried out. Finally, a condition requiring the development to be carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.

*Richard Clegg*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A4 location plan, the proposed site plan on drawing ref A009/074/P/01D, floor plans ref A009/074/P/03D, elevations ref A009/074/P/02F, landscape plan ref A009/074/P/04, and the external works details on drawing ref A009/074/P/05.
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Notwithstanding condition No 2, no development shall take place until details of boundary treatment have been submitted to and approved in writing by the local planning authority. None of the flats shall be occupied until the boundary treatment has been carried out in accordance with the approved details.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 6) None of the flats shall be occupied until space has been laid out within the site in accordance with the site plan on drawing No ref A009/074/P/01D for six cars to be parked. The parking area shall be retained for the passage and parking of vehicles
- 7) None of the flats shall be occupied until bicycle parking facilities have been provided within the site in accordance with a scheme to be submitted to and approved in writing by the local planning authority. These facilities shall be retained for the parking of bicycles.
- 8) No development shall take place until a desk study to investigate the potential for contamination of the site has been undertaken and approved in writing by the local planning authority. If the desk study identifies potential contamination a detailed site investigation shall be carried out in accordance with a written methodology which shall have been approved in writing by the local planning authority, and the results of the site

investigation shall be submitted to the local planning authority. Any remediation measures recommended as a result of the site investigation shall be carried out in accordance with a scheme and programme to be submitted to and approved in writing by the local planning authority.

- 9) No development shall take place until an assessment of noise levels received on the site has been undertaken and a report submitted to the local planning authority. None of the flats shall be occupied until any mitigation measures recommended in the report have been carried out in accordance with a scheme to be submitted to and approved in writing by the local planning authority.

## APPEARANCES

### FOR THE APPELLANT:

Mr S Richardson	Planning and Law Ltd
Mr D Hadwin	Keystone Design
Mr K Allen	Keystone Design
Mr R Patel	Director, Liberate Homes

### FOR THE LOCAL PLANNING AUTHORITY:

Mr M Shaw DipTP MRTPI	Principal Planning Officer
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### INTERESTED PERSONS:

Councillor J Mineur	Member of the Borough Council
Mr W Howcroft	Local resident
Mr V McNulty	Local resident
Mr H Walters	Local resident

## DOCUMENTS

- 1 Planning obligation concerning financial contribution to open space provision.
- 2a-g Plans relating to planning permission ref 07/0829 for a four storey building containing 12 flats on the appeal site.
- 3 Notification of appeal.
- 4 Extract from SPD – Extending your home.
- 5 Schedule of parking standards.
- 6 Extract from tree preservation order covering part of the appeal site.
- 7 Drawing ref A009/074/P/02F – revised elevations.
- 8 Revised plan showing footprints of existing, approved and proposed buildings – supersedes appellant’s Appendix 3.
- 9 Revised plan showing amenity space and approved building – supersedes drawing ref A009/074/P/06 in appellant’s Appendix 4.
- 10 Section 215 notice concerning maintenance of the appeal site.
- 11 Email dated 22 November 2010 from the Council’s Traffic Management Section to Mr Shaw concerning parking restrictions on Bispham Road.
- 12 Appellant’s updated parking survey.
- 13 Annotated consultation response from the Council’s Environmental Health section concerning the appeal proposal.