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## Appeal Decision

Site visit made on 21 August 2017

**by Louise Nurser BA (Hons) Dip UP MRTPI**

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

**Decision date: 4 September 2017**

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**Appeal Ref: APP/J2373/D/17/3179109**

**23 Colwyn Avenue, Blackpool FY4 4ET**

- 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 Michael Allen against the decision of Blackpool Borough Council.
  - The application Ref 17/0152, dated 8 February 2017, was refused by notice dated 25 April 2017.
  - The development proposed is to replace garage with new garage for general storage and vehicles.
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### Decision

1. The appeal is allowed and planning permission is granted for erection of detached garage to rear of house at 23 Colwyn Avenue, Blackpool FY4 4ET in accordance with the terms of the application, Ref 17/0152, dated 8 February 2017, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the approved plans that accompanied the application.
  - 3) No development shall take place until details of the external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved materials.
  - 4) The garage hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of 23 Colwyn Avenue, Blackpool FY4 4ET and their visitors and for no other purpose, except for storage, ancillary to the domestic use of the property.
  - 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme which shall include indications of all existing trees with the potential to be affected by the development, and set out measures for their protection, where appropriate, throughout the course of development.

## **Preliminary matters**

2. Since the refusal of the application, the subject of the appeal before me, a further application for a revised scheme<sup>1</sup> has been approved by the Council. I have been provided with details of this approved scheme.

## **Procedural matter**

3. The original description of the development is unclear. Therefore, I have used the Council's description in my decision as it more accurately describes the nature of the development.

## **Main Issues**

4. The main issues in this case are the effect of the proposed development on the character and appearance of the surrounding area; the effect of the development as a result of noise and disturbance to those living and working nearby and the effect on highway safety.

## **Reasons**

### *Background*

5. The appeal site is set within an area of land which appears to have historically fallen outside of the rear garden of no 23 Colwyn Avenue, although it now is directly accessed from the rear of the host property. The proposed garage would replace a smaller, existing garage, of a utilitarian appearance, which lies on an area of land to the rear of numbers 17 to 23 Colwyn Avenue. The New Westmere Day Nursery faces onto the site, together with the rear garden of 78a Vicarage Lane. The eastern boundary of 80 Vicarage Lane also abuts the site.
6. The land is accessed via a narrow, relatively long, gated drive which leads to Vicarage Lane. At the time of my site visit the host property was being renovated and the boundaries to the site were not clearly demarcated by fencing.
7. The replacement garage which was recently approved would measure 4 m high, and 8 m in length and 6.5 m wide. In comparison, the appeal proposal would be approximately 4.5 m high, 9.5 m long and 6.5 m wide. There is nothing to suggest that this proposed development could not be implemented.
8. Nonetheless, I have determined the appeal on the basis of the merits of the case before me.

### *Character and appearance*

9. The appeal site lies to the rear of a number of properties along St Edmund's Road, Colwyn Avenue and Vicarage Lane. The area is predominantly residential in nature. However, there is a children's day nursery which partly faces onto the site.
10. The proposed development would be over 2.5 m wider than the existing garage, over a metre higher and approximately 3.3 m longer. The proposed garage would be in a similar position and would be no closer to the boundary with no 78a Vicarage Lane, although it would be marginally closer to the

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<sup>1</sup> 17/0372

boundary with no 80 Vicarage Lane and closer to the day nursery and properties which back onto the site. The area of land in which the garage would sit is relatively large. Consequently, whilst the proposed garage would be bigger than the existing, and that which has been approved, it would not appear overly dominant or out of character with the surrounding area. Therefore, it would be consistent with the design principles contained within Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 (CS) and Policies BH3 and LQ4 of the Blackpool Local Plan 2001- 2016 (LP) and those of the Framework.

### *Living Conditions*

11. From what I observed on site, the impact of the larger garage on the enjoyment of the gardens of nos 78a and 80 Vicarage Lane would be minimal. This is because the mature trees and the large summerhouse at the rear of no 78a's garden would substantially screen the development. Number 80 Vicarage Lane benefits from a long garden. Consequently, the marginal increase in height, proximity and depth would have a limited impact on the ability of residents to enjoy their garden. Given the distance to the other nearby properties the development would have no adverse impact.
12. The appeal proposal is larger than traditional domestic garages normally found within a residential area. Nonetheless, subject to an appropriate condition restricting its use to domestic purposes, the potential for noise and disturbance to nearby residents and pupils and staff at the day nursery would be no different and the proposal would therefore not be contrary to Policies LQ4 and BH3 of the LP and CS7 of the CS.

### *Access*

13. No changes are proposed to the access from Vicarage Lane which already serves the existing garage. In the absence of compelling evidence setting out how the appeal proposal would have an impact on highway safety I conclude that the appeal proposal would not be contrary to Policy AS1 of the LP.

### **Conditions**

14. In the interests of certainty and proper planning I have imposed a condition requiring that the development be carried out in accordance with the relevant plans. In order to control the appearance of the garage, and to protect the predominantly residential character and appearance of the wider area, I have imposed a condition to control the materials to be used in the development.
15. Existing trees close to the proposed garage have a significant positive impact on the appearance of the area and a role in screening and softening the impact of the development. I have provided both the appellant and the Council the opportunity to comment as I have imposed a condition requiring that the trees potentially affected, be protected, where appropriate, throughout the construction of the development. In so doing, I am aware that the planning permission for the smaller, recently approved, scheme 17/0372 does not include such a condition. Nonetheless, I must consider the merits of the appeal before me, and whilst impact on trees was not an issue that was raised by the Council, from what I observed on my site visit I am sympathetic to the concerns raised by the occupant of no 78a Vicarage Lane. Therefore, I conclude that the condition is consistent with paragraph 206 of the Framework and required to protect the health of the trees.

16. In order to ensure that the use of the garage and associated storage remains of a domestic nature, and directly related to the occupation of the host property, I have imposed a condition restricting the use of the garage for domestic purposes by the occupants of no 23 Colwyn Avenue. I note the appellant's wish that this be extended to include the owner where he or she does not necessarily occupy the host property.
17. Clearly, the use of the garage by the owner whilst renovating the property would be reasonable and domestic in nature, as would its use for storage purposes solely and directly related to the maintenance of the property. However, a loosening of the wording of the condition to allow it to be used other than for the sole use of the occupants of, and visitors to, no 23 Colwyn Avenue would be inappropriate within a predominantly residential area.

### **Conclusion**

18. For the reasons given above I conclude the appeal should be allowed.

*L. Nurser*

INSPECTOR