



Appeal Decision

Site visit made on 3 October 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 12th October 2017

Appeal Ref: APP/J2373/W/17/3177343

Land to rear 17-23 Carleton Avenue, Blackpool

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Simon Billington against the decision of Blackpool Borough Council.
 - The application Ref 16/0499, dated 23 August 2016, was refused by notice dated 12 December 2016.
 - The development proposed is 4 new bungalows to rear of 17-23 Carleton Avenue, Blackpool.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline with all matters reserved for future consideration except for the layout and scale of the development. Drawings showing an indicative appearance were submitted with the application, and I have had regard to these in determining this appeal.

Main Issues

3. The main issues are, firstly, the effect of the development on the living conditions of future occupiers with regard to internal space, outlook, natural light, and noise and disturbance and, secondly, whether the development would prejudice highway and public safety.

Reasons

Living conditions

4. The appeal site comprises a relatively narrow area of overgrown land. It is located between the rear of properties fronting Carleton Avenue, and industrial units fronting Mowbray Drive. The development would introduce a terrace of 4 bungalows onto this land with rear gardens that would back onto the industrial units.
5. The proposed rear gardens would be around 4.5 metres in length according to the Planning Officer's Report. These would immediately back onto the adjoining industrial units, which are generally 2 stories in height. This layout would result in a very poor level of outlook from the rear windows of the properties, which would mostly face onto a brick wall. Given the position and

- height of the industrial units, the natural light that would reach the rear windows and back gardens would also be limited. In this regard, the rear windows would serve bedrooms and kitchens, which are rooms that future occupants would be likely to spend a significant proportion of their time in.
6. The industrial units to the rear are long established, and the Council state that they are in B2 General Industrial use with no hours restrictions in place. In addition, a letter of objection has been submitted by one of these businesses confirming that their factory operates during the daytime, evenings, and at weekends. The introduction of new dwellings in close proximity to these industrial units is likely to result in an unacceptably poor residential environment. The development could also lead to complaints being lodged against these businesses, which could affect their ability to operate. The existing properties fronting Carleton Avenue are more than 20 metres from the industrial units, behind rear boundary fences, and are therefore not as exposed in this regard.
 7. The proposed front dormer windows would serve bedrooms, and would face onto habitable room windows in the rear of properties fronting Carleton Avenue. The separation distance between these windows would be narrow and below the Council's normal standards. This would result in a significant level of overlooking between these windows that would undermine the privacy of both existing residents and future occupiers of the development.
 8. The internal size of the dwellings would be relatively small, and below the optional space standards set out in the Government's Technical Housing Standards. However, the Council has not adopted these optional standards in its Core Strategy. In this regard, I note that the Planning Practice Guidance states that "*Where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard*"¹. I am therefore unable to attach significant weight to the optional national standards in this case.
 9. For the above reasons, I conclude that the development would significantly harm the living conditions of future occupiers of the development with regard to outlook, natural light, and noise and disturbance. It would therefore be contrary to Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 (2016) and Policies LQ1, LQ2, LQ4, BH3 and BH4 of the Blackpool Local Plan 2001-2016 (2006). These policies seek to ensure, amongst other things, that new development does not adversely affect the amenity of occupiers of residential accommodation. It would also be at odds with the National Planning Policy Framework which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Highway and public safety

10. The appeal site would be accessed via an existing route that enters the site between No 1 Mellwood Avenue and No 33 Carleton Avenue. This currently serves a number of garages to the south west of the appeal site. Access into the site is restricted by a tall metal gate that is locked when not in use.
11. The access would not be sufficiently wide to allow two vehicles to pass one another, and no passing places are proposed. This arrangement is likely to

¹ Paragraph: 018 Reference ID: 56-018-20150327

result in conflicts between vehicles that would necessitate reversing a significant distance along a narrow route. The additional obstacle presented by having to unlock and lock the gate across the access would further complicate matters in this regard. Mellwood Avenue has no parking restrictions along it and there is restricted visibility at the access into the site. Reversing back out onto Mellwood Avenue would therefore be potentially unsafe, and could lead to collisions. This access would also be used by pedestrians, including those with restricted mobility, which would result in additional conflicts with safety implications. Whilst a scheme of signage has been suggested by the appellant, it is not clear how this would work or how this could alleviate these issues.

12. The appellant has drawn my attention to an approval on an adjacent site for a parking area. However, the full details of that scheme are not before me, and the amount of additional traffic this would generate is unclear. Full details of the proposed container storage use (subject to pre-application advice) are also not before me. In any case, I have determined the appeal on its own merits.
13. The Council state that the gate across the access was installed to prevent unauthorised access to the rear of properties fronting Carleton Avenue and Mellwood Avenue. For security purposes, this gate is locked when not in use. The development would significantly increase the use of this gate, which would increase the likelihood that it would be left open. This would allow criminals to access the rear of the properties fronting Carleton Avenue and Mellwood Avenue and undermine the security of these dwellings. Whilst a scheme of lighting could be secured by condition, that does not alter my view that the development would lead to a significant deterioration in the security of existing properties.
14. The development proposes 1 dedicated parking space per dwelling. Given the size of the dwellings, and their likely occupation by older residents, I consider this level of parking to be adequate. Moreover, the surrounding streets have largely unrestricted parking, which could accommodate any visitor or other occasional parking. Whilst the Council state that the level of parking would be inconsistent with its adopted parking guidelines, I note that these are maximum rather than minimum standards.
15. For the above reasons, I conclude that the development would prejudice highway and public safety. It would therefore be contrary to Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 (2016) and Policies AS1, LQ1, LQ3, and LQ4 of the Blackpool Local Plan 2001-2016 (2006). These policies seek to ensure, amongst other things, that new development should promote community safety and provide safe and appropriate access for vehicles and pedestrians.

Other Matters

16. The appellant has drawn my attention to 3 recent developments on backland sites in the Blackpool area. Each of these sites has a shorter access than the current appeal proposal. In addition, whilst the rear gardens to those properties are relatively short, they do not immediately back onto to a high brick wall, nor are they comparably close to industrial uses. Accordingly, these examples are not sufficiently similar to the appeal proposal so as to set a precedent.

17. The development would include a new drainage scheme. However, there is no evidence before me of an existing drainage or flood risk problem, and in any case, drainage arrangements are a normal requirement for developments of this size. This consideration therefore carries neutral weight.
18. The proposed waste storage and collection arrangements reflect the backland nature and layout of the site. The Council do not identify any highway safety or amenity concerns that would arise from these arrangements. Accordingly, I do not consider that this matter would justify withholding permission in this case.

Conclusion

19. For the reasons set out above, I conclude that the development would unacceptably harm the living conditions of neighbouring occupiers with regard to outlook, natural light, and noise and disturbance, and would prejudice highway and public safety. Set against this, there would be a positive benefit in terms of the provision of new bungalow accommodation that would contribute towards Blackpool's housing needs. The development would also be in an accessible location and would re-use a previously developed site. However, even when taken together these benefits do not outweigh the harm that would result from the development. In the circumstances of this appeal, these considerations do not justify making a decision other than in accordance with the development plan.
20. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR