

Report to:	Planning Committee
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting:	20 March 2018

PLANNING/ENFORCEMENT APPEALS DETERMINED/LODGED

1.0 Purpose of the report:

1.1 The Committee is requested to note the planning and enforcement appeals lodged and determined.

2.0 Recommendation(s):

2.1 To note the report.

3.0 Reasons for recommendation(s):

3.1 To provide the Committee with a summary of planning appeals for information.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

3.4 None, the report is for information only.

4.0 Council Priority:

4.1 The relevant Council Priority is 'The Economy: maximising growth and opportunity across Blackpool'

5.0 Planning/Enforcement Appeals lodged

5.1 44-48 QUEENS PROMANDE BLACKPOOL, FY2 9RW (17/0640)

An appeal has been lodged by Mr F Kelly against the refusal of planning permission for the erection of single storey side extension to form sports bar.

Planning/Enforcement Appeals Determined

5.2 29 Cocker Street, Blackpool (17/0034)

An appeal was submitted by Mrs Frances McErlane against the decision of Blackpool Borough Council to refuse to remove condition 2 attached to planning permission ref. 14/0075 which required the internal and external alterations agreed as part of a planning permission to convert the property into a single-family dwelling to be carried out within three years of the date of permission. The internal alterations involved the creation of layout consistent with single-family use and the external alterations principally required the removal of a single-storey extension to the rear and the removal of a box sun-lounge to the front of the property. **APPEAL ALLOWED**

The main issue was judged to be whether or not the condition was necessary and reasonable with regard to the character and appearance of the area and the amenity of the occupants.

The Inspector recognised that the New Homes from Old Places Supplementary Planning Document sought the removal of street-facing sun-lounges but nevertheless found compliance with this guidance. She noted other sun-lounges in the vicinity and judged that the removal of the sun-lounge on the appeal property would have little impact upon the character and appearance of the area. She also felt that the creation of a mid-terrace sun-lounge flank would be harmful both visually and to occupant outlook.

The Inspector noted that the rear extension is used for the storage of a wheelchair and identified a personal benefit to its retention. She concluded that the available amenity space was sufficient to meet the needs of the dwelling.

In her decision, the Inspector acknowledged that the requirement to retain the agreed layout was to ensure availability of family accommodation but noted that planning permission would be required to change the use of the property to a House in Multiple Occupation.

As such, and in light of the above, the condition was judged to be unnecessary in relation to Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and saved Policies HN5, LQ1, LQ14 and BH3 of the Blackpool Local Plan 2001-2016.

A copy of the Inspector's decision dated 11 January 2018 is attached as Appendix 3a.

5.3 336 Queens Promenade, Blackpool (16/0349)

An appeal was submitted by Mr. Martin Watkins against the decision of Blackpool Borough Council to refuse planning permission for external alterations including a roof-lift to the rear out-rigger and the erection of a rear dormer and the use of part of the second floor and the third floor as a self-contained permanent flat in addition to the existing five flats at lower floor level. **APPEAL DISMISSED**

The Inspector judged the main issues to be:

- Whether the flat would provide suitable living conditions;
- The amenity impact on neighbours in terms of outlook, privacy, sunlight and daylight;
- The effect of the proposed dormer on the character and appearance of the area.

The Inspector considered the New Homes from Old Places Supplementary Planning Document to be consistent with the NPPF and afforded its general principles considerable weight. Some disagreement between the parties over exact space standards was noted but overall it was determined that the flat would fall short of minimum space standards and that this would be unacceptably harmful. The inclusion of space behind a door in the room size, the lounge's reliance on a kitchen window for outlook, and the outlook from the outrigger windows was accepted by the Inspector.

Given the proximity to the neighbouring outrigger at 3.9m, the Inspector judged that the proposed accommodation would introduce the potential for over-looking to the harm of the privacy of neighbours. The roof-lift to the outrigger was also judged likely to create a canyon effect that would have had a harmful impact on light levels to the neighbour.

The Inspector noted that the rear dormer would occupy some 65% of the rear roof plane, significantly exceeding the Extending Your Home Supplementary Planning Document allowance which was judged to be relevant. He found that it would have appeared as a jarring and incongruous feature in the roofscape. This would have been exacerbated by the lack of window alignment and the loss of distinction between the main body of the building and the outrigger.

As such, and in light of the above, the application was judged to be contrary to the provisions of Policies CS7 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, saved Policies LQ1 and LQ14 of the Blackpool Local Plan 2001-2016, the National Space Standards and the Extending Your Home Supplementary Planning Document.

A copy of the Inspector's decision dated 09 January 2018 is attached as Appendix 3b.

5.4 4 Bloomfield Road, Blackpool FY1 6DH (17/0216)

The appeal was made by Dar-Pol against the decision of Blackpool Council to refuse planning permission for the erection of roof lift to form second floor, and use of second floor premises as altered as a self-contained permanent flat with integral roof garden and balcony to front elevation. **APPEAL DISMISSED**

Main Issues

- (i) The effect of the development on the living conditions of neighbouring occupiers, with regard to outlook and light;
- (ii) Whether the proposal would be an appropriate form of development in the defined Inner Area of the town.

The Inspector concluded that the development would have an adverse effect on the living conditions of the occupiers of No 1 John Street, due to loss of daylight and sunlight, and The Old Warehouse, due to loss of light and outlook. Consequently, the development would not accord with Policies LQ14 and BH3 of the Blackpool Local Plan 2001-2016 (adopted June 2006) and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 (adopted January 2016) which, amongst other things, seek to protect residential amenity. The development would not meet the aims of the National Planning Policy Framework in so far as it seeks to promote good design and secure a good standard of amenity for all existing and future occupants of land and buildings.

Policy HN5 of the Local Plan seeks to resist extensions for residential sub-divisions within the defined Inner Area of the town. The aim of the policy is to prevent proposals for conversion or sub-division for residential use which would further intensify existing over-concentrations of flat accommodation and conflict with wider efforts for neighbourhood improvement as a balanced and healthy community. On the basis of the evidence before me, it has not been demonstrated that development would contribute to a housing imbalance, contrary to Policy HN5 of the Local Plan.

A copy of the Inspector's decision dated 2 February 2018 is attached as Appendix 3c.

5.5 Harry Feeney, 251 Vicarage Lane, Blackpool FY4 4XL (17/0429)

The appeal is made by Mr Harrison against the decision of Blackpool Council to refuse advertisement consent for the installation of an internally illuminated, free standing forecourt sign. **APPEAL DISMISSED**

Main Issues

The main issues are the effect on amenity, including the character and appearance of the area, and on public safety.

The Inspector concluded that the advertisements have a harmful effect on amenity due to their detrimental impact upon the character and appearance of the area. The proposal, therefore, conflicts with Policy LQ13 of the LP, Policy CS7 of the Core Strategy and the National Planning Policy Framework in that respect.

In terms of public safety the advertisements do not harmfully distract the attention of drivers and pedestrians taking the appropriate level of care as they travel along Vicarage Lane. I, therefore, consider that the advertisement unit does not harm public safety.

A copy of the Inspector's decision dated 31 January 2018 is attached as Appendix 3d

5.6 30 Douglas Avenue, Blackpool. (17/0444)

An appeal was submitted By Mr A Gill against the decision of Blackpool Council to refuse a Prior Approval application for the erection of a single storey rear extension. **APPEAL ALLOWED**

The main issue is whether the proposed development would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO, with particular regard to

whether the application included sufficient information, and if so, whether prior approval is required.

He concluded that the proposed development constitutes permitted development and prior approval is not required as paragraph A.4(7) is not engaged. The proposal satisfies the conditions, limitations and restrictions set out in Schedule 2, Part 1, Class A of the GPDO relevant to it.

A copy of the Inspector's decision dated 2 February 2018 is attached as Appendix 3e.

5.7 Does the information submitted include any exempt information? No

5.8 List of appendices

Appendix 3a: Appeal Decision 29 Cocker Street (reference 17/0034)

Appendix 3b: Appeal Decision 336 Queens Promenade (reference 16/0349)

Appendix 3c: Appeal Decision 4 Bloomfield Road (reference 17/0216)

Appendix 3d: Appeal Decision 251 Vicarage Lane (reference 17/0429)

Appendix 3e: Appeal 30 Douglas Avenue (reference 17/0744)

6.0 Legal considerations:

6.1 None.

7.0 Human Resources considerations:

7.1 None.

8.0 Equalities considerations:

8.1 None.

9.0 Financial considerations:

9.1 None.

10.0 Risk management considerations:

10.1 None.

11.0 Ethical considerations:

11.1 None.

12.0 Internal/ External Consultation undertaken:

12.1 None.

13.0 Background papers:

13.1 None