



Appeal Decision

Site visit made on 5 December 2017

by **Katie McDonald MSc MRTPI**

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

Decision date: 11 January 2018

Appeal Ref: APP/J2373/W/17/3179445

29 Cocker Street, Blackpool, Lancs FY1 2BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Frances McErlane against the decision of Blackpool Council.
 - The application Ref 17/0034, dated 18 January 2017, was refused by notice dated 7 April 2017.
 - The application sought planning permission for external alterations and use of premises as altered as a single private dwellinghouse without complying with a condition attached to planning permission Ref 14/0075, dated 27 March 2014.
 - The condition in dispute is No 2 which states that: *Notwithstanding condition 1 of this permission, the internal and external alterations shown on the approved plan shall be carried out within 3 years of the date of this approval and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.*
 - The reason given for the condition is: *In order to ensure that the accommodation accords with the Council's approved Supplementary Planning Document and to improve the external appearance of the property in accordance with Policies LQ1, LQ14, BH3 and HN5 of the Blackpool Local Plan 2001-2016.*
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Decision

1. The appeal is allowed and planning permission is granted for external alterations and use of premises as altered as a single private dwellinghouse at 29 Cocker Street, Blackpool, Lancs FY1 2BZ in accordance with the application Ref 17/0034 dated 18 January 2017, without compliance with condition number 2 previously imposed on planning permission Ref 14/0075 dated 27 March 2014 and subject to the following conditions set out in the attached Schedule.

Background and Main Issues

2. Planning permission was granted under permission ref 14/0075 to change the use of the property from a house in multiple occupation (HMO) to a dwelling. The property has a single storey flat roof front extension and a single storey rear extension, which were proposed to be removed, along with re-instatement of the bay window to the front and internal alterations. The internal works were carried out to the property and it is now occupied by the appellant and her family. Condition 2 of this consent required that the internal and external alterations were carried out within 3 years.
3. Accordingly, the main issue is whether the condition is necessary and reasonable having regard to the character and appearance of the area; and the living conditions of the occupants, with regard to external amenity space.

Reasons

4. I acknowledge the intentions of the guidance contained in the New Homes from Old Places Residential Conversion and Sub-Division Supplementary Planning Document (March 2011) (SPD), that seeks to remove street-facing sun lounges in the conversions of properties to permanent residential use. In this instance, the approved plans follow this guidance.
5. However, the adjacent properties in the terrace row also feature the similar attached sun lounge, having a complete frontage and roof between the 3 dwellings. In the context of the street scene, removing the sun lounge from the host dwelling would have little effect upon the character and appearance of the area because the adjacent sun lounges would remain. Moreover, should the sun lounge be removed, it would create a prominent flank wall set in the middle of a terrace row, as opposed to the existing which continues the side gable wall forward. This could have a greater effect upon the street scene and affect the outlook of the host dwelling.
6. Therefore, I do not find that the removal of the sun lounge and the re-instatement of the bay window would be necessary in order to make this development acceptable.
7. I recognise that the removal of the rear extension would create additional external amenity space for the purposes of a family dwelling. However, I saw on my site visit that there was an existing rear yard that provided amenity space, alongside the rear first floor terrace area. Additionally the rear extension is used to store the appellant's daughter's wheel chair, which I saw benefits from level access to the rear and some weight can be given to the personal circumstances in this context. Therefore, to my mind, I am satisfied that there is sufficient amenity space to suit the needs of this family dwelling without the removal of the extension.
8. I have noted the Council's concerns relating to deprivation in the borough and the need to retain family accommodation in the area in the interests of social cohesion. The property provides 5 reasonably sized bedrooms and I note that the permission is subject to a condition restricting permitted development rights under Part 3 Class L, which precludes the use of the property as a HMO. Use of the property other than as a family dwelling house would therefore require permission and a further condition, effectively restricting the internal layout of the property to achieve this aim is unnecessary. Therefore, the removal of the condition would not compromise the Council's objectives in this regard.
9. Consequently, I find that the condition is not necessary and the proposal would be in compliance with the development plan, specifically Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027) (January 2016), which seeks to ensure that new development is well designed and enhances the character and appearance of the local area; and Policies HN5, LQ1, LQ14 and BH3 of the Blackpool Local Plan 2001/2016 (June 2006), which seek well designed and high quality sub-divisions that will make a positive contribution to the quality of the surrounding environment and would not adversely affect the amenity of occupiers. I also find compliance with the SPD on the whole, which seeks high quality conversions.

Conditions

10. The guidance in the PPG makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.
11. As the development has commenced, a condition limiting the time for commencement is unnecessary because the development has already begun.
12. Notwithstanding the above, for accuracy I have updated the legislation reference in condition 1. I have also removed '*development*' and inserted '*external works*' into condition 2 as this condition refers to the materials used in the external works and not to the whole development which included the implemented change of use.
13. I have also removed the condition that related to materials for the bay window as this essentially repeats the requirements of condition 2 and is unnecessary.

Conclusion

14. Therefore, for the reasons given above, I allow the appeal.

Katie McDonald

INSPECTOR

Schedule of Conditions

- 1) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no change of use permitted by Article 3, Schedule 2, Part 3, Class L shall take place without the written approval of the Local Planning Authority.
- 2) Details of materials to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to the external works being commenced.
- 3) No refuse or bins shall be stored forward of the front building line of the property other than on the day of presentation for collection.