

<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Gary Johnston, Head of Development Management
<b>Date of Meeting</b>	20 June 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 Background Information

### 5.1 Planning/Enforcement Appeals Lodged

#### 5.1.1 REAR OF 12-14, OLIVE GROVE, BLACKPOOL, FY3 9AS (17/0864)

5.1.2 An appeal has been lodged by Mr S Whittaker against the refusal of planning permission for the Erection of a terrace of three x two storey dwellinghouses, with detached garages and access from Olive Grove.

### 5.3 Planning/Enforcement Appeals Determined

#### 5.3.1 42 ABINGDON STREET, BLACKPOOL FY1 1DA (17/0699)

5.3.2 An appeal was made by JWT Leisure against the decision of Blackpool Borough Council to refuse planning permission for the use of the premises as an amusement centre (adult gaming centre). **APPEAL ALLOWED**

5.3.3 Main issue:

The main issue was the effect of the proposal on the vitality and viability of Blackpool Town Centre, with particular reference to its character and appearance.

5.3.4 The Inspector concluded that the proposal would accord with Core Strategy Policy CS17 and saved BLP Policy BH18; which together, among other things, seek to protect the character of the main shopping areas of the town to re-establish the town centre as the first choice shopping destination for Fylde Coast residents and to strengthen it as a cultural, leisure and business destination for residents and visitors. The proposal would also accord with Core Strategy Policy CS15 which supports development that encourages healthy and active lifestyles and addresses the Council's health problems.

5.3.5 A copy of the Inspector's decision letter is attached as Appendix 3(a).

5.3.6 An application for a full award of costs was made by JWT Leisure against Blackpool Borough Council. This application was the subject of a separate Decision. **COSTS REFUSED**

5.3.7 Even though the Inspector arrived at a judgement different to the Council's, he considered that the Council made a judgement that they were entitled to make based on the evidence before them. He did not agree that a case of unreasonable behaviour had been clearly demonstrated by the applicant.

5.3.8 A copy of the Inspector's costs letter is attached as Appendix 3(b).

#### **5.4 44-46 QUEENS PROMENADE, BLACKPOOL FY2 9RW (17/0640)**

##### **5.4.1 Ma Kelly's (formerly Uncle Tom's Cabin)**

5.4.2 An appeal was submitted by Mr Frankie Kelly against the decision of Blackpool Borough Council to refuse planning permission for the erection of a single storey side extension. **APPEAL DISMISSED**

5.4.3 The Inspector judged the main issues to be:

- the effect of the proposed development on the amenities of guests at the adjacent Elgin Hotel in terms of noise and disturbance;
- the effect of the proposed development to the character and appearance of its host building.

Further information on the Inspector's judgement is detailed below.

##### **5.4.4 Site, surroundings and proposed development**

The proposed development would introduce a single-storey extension to the side up to the common boundary with the Elgin Hotel. It would be flat roofed but feature a false pitched roof at the front echoing the design of the porch at the other end of the building's façade. The proposed extension would be recessed behind an existing single-storey bay window projecting from the side elevation of the host property and would feature doors in its front elevation.

##### **5.4.5 Noise and Disturbance**

The appeal property has a long-established use as a public house and its forecourt is already used as a seating area. Nevertheless the inclusion of a door in the front elevation of the proposed side extension would naturally draw activity closer to the adjacent Elgin Hotel than is currently the case. I note that the appellant intends to locate only a pool table and dart boards within the extension. However the internal layout of the public house, and facilities provided therein could change at any time. Moreover, the proposed extension's deep recess from the front elevation of the appeal building could facilitate a place to congregate, particularly given the propensity for breezy conditions in the environs of the seafront, from which the recess may offer some shelter.

5.4.6 Consequently, the proposed development would have the effect of drawing external activity closer to the bedroom windows on the Elgin Hotel, and any noise and disturbance caused as a result would have a much more intimate relationship with these rooms than exists at present. The proposed development's effects in these regards would be particularly marked in the summer months where longer daylight hours could lead to more external activity in the vicinity of the proposed extension and warmer temperatures may lead to hotel guests leaving their windows open for

ventilation. Whilst the Inspector noted that the appellant considers that conditions could ensure that the proposed doors are only used between certain times he was not persuaded that this would deter the use of the area in front of that entrance after that time, or that there would be any effective measures in place to control its use by patrons of the public house. Consequently, he considered that planning conditions would not fully address these issues.

These matters, taken together, led to the Inspector's view that in drawing external activity much closer to the adjacent rooms of the Elgin Hotel when compared to current layout, the proposal would cause materially more noise and disturbance to the hotel's occupants than existing development at the site, which would cause material harm to their amenity in this respect.

Consequently, the Inspector concluded on this main issue that the proposal would cause material harm to the amenities of guests at the adjacent Elgin Hotel in terms of noise and disturbance. In these respects the proposed development would conflict with Policies BH3 and BH4 of the Blackpool Local Plan (adopted June 2006) (the Local Plan); Policy CS7 of Blackpool's Core Strategy (adopted January 2016) (the Core Strategy) insofar as they seek to ensure, amongst other things, that developments do not adversely affect the amenity of those occupying visitor accommodation or create or worsen noise levels above acceptable standards.

### **Character and Appearance**

Whilst the false roof at the front of the proposed development would echo that of the porch at the other side of the façade- the upper corners of the flat roof would be readily visible behind it. The front of the proposed extension would have a tight relationship to the existing single-storey bay window at the property and its hipped roof. Taken together these markedly differing roof treatments in a close visual relationship to each other would create a visually discordant sense of cluttered congestion to the front aspect of the appeal property. Moreover, the uncomfortably close relationship of the proposed extension to the existing bay window would impart a cramped and shoehorned character to the plot, which would be of harm to the appearance of its host building, which the Inspector noted that the appellant considers to be an important and local landmark. The Inspector considered that the proposed development would not result in a visual improvement in terms of the site as it exists at present. Neither would its scale, siting or materials soften its harmful effects.

Accordingly, for the reasons set out above, the Inspector concluded on this main issue that the proposed development would cause harm to the character and appearance of its host building and would in this respect conflict with Policy LQ14 of the Local Plan and Policy CS7 of the Core Strategy. Taken together these policies seek to ensure that extensions are well designed, sited and detailed in relation to their original building; and that development enhances the character and appearance of

the local area.

**Conclusion**

The modest benefits advanced in favour of the proposed development would not outweigh the manifestly harmful effects that it would cause to the character and appearance of its host building, and the amenity of visitors to the Elgin Hotel. Consequently, no material considerations have been advanced of a sufficient weight to justify a decision not in accordance with the development plan, with which the appeal scheme would clearly conflict. Accordingly for the reasons set out above, and taking into account all other matters raised, the Inspector concluded that the appeal should be dismissed.

A copy of the Inspector's decision dated 23 May 2018 is attached as Appendix 4(c)

5.4 Does the information submitted include any exempt information? No

**5.5 List of Appendices:**

5.6 None

**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