

Appeal Decision

Site visit made on 9 July 2018

by Richard Clegg BA(Hons) DMS MRTPI

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

Decision date: 30th August 2018

Appeal Ref: APP/J2373/3199142

Land rear of 14-18 Olive Grove, Blackpool, FY3 9AS

- 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 S Whittaker against the decision of Blackpool Borough Council.
- The application Ref 17/0864, dated 13 December 2017, was refused by notice dated 8 February 2018.
- The development proposed is 3 three bedroom dwellings.

Decision

1. The appeal is dismissed.

Procedural matters

2. On the application form, the location of the site is given as land on the east side of Olive Grove. The only part of the site on Olive Grove is the access road, and it is more clearly referred to as land to the rear of 14-18 Olive Grove. I have identified the site accordingly in the appeal details above.
3. The proposal is in outline form, with approval sought for access, layout and scale at this stage: this is confirmed in paragraph 4 of the Appellant's statement. That statement also says, at paragraph 42, that the site layout is illustrative, and paragraph 69 refers to the arrangements for the turning head being a reserved matter. These latter references are inconsistent with the form in which the planning application was submitted and then considered by the Council. I am not aware of any request to amend the form of the proposal, and I have considered it on the basis set out in the planning application.
4. On the site plan¹, a small part of the access road is shown outside the appeal site². This area appears to be part of a rear access way to houses on Olive Grove. In response to a request for comments on this situation, the Appellant submitted a revised site plan³, on which the approach to the turning head is slightly realigned so as to be accommodated wholly within the appeal site. This is a modest amendment which I am satisfied would not cause prejudice to other parties. I have, therefore, taken the revised plan into account in my considerations.

¹ On drawing ref A014/185/P/01 Revision A.

² The extent of the appeal site is defined by the red edge on the location plan, drawing ref A014/185/S/02 Revision A.

³ On drawing ref A014/185/P/01 Revision B.

5. In July 2018, after the main parties had submitted their statements, the Government published the revised National Planning Policy Framework (NPPF). Accordingly the Appellant and the Borough Council were given the opportunity to comment on the implications of the revised NPPF for their respective cases.

Main Issues

6. I consider that the main issues in this appeal are the effect of the proposed development on:
 - (i) highway safety.
 - (ii) the living conditions of nearby residents and future occupiers.
 - (iii) trees around the perimeter of the site.

Reasons

Highway safety

7. The main part of the site is contained between the backs of housing on Olive Grove, Mere Road, Beech Avenue and Hazel Grove. A single track access road, about 3.1m wide, leads from Olive Grove to this land. This narrow access road runs between Nos 12 and 14 Olive Grove.
8. The Council calculates that the three dwellings proposed would generate 24 vehicle trips per day, a figure which is not disputed by the Appellant. Whilst this is not a high figure, there is the prospect that opposing vehicle movements would occur on occasions, and there is also the likelihood of conflict between vehicles and pedestrians. Reversing manoeuvres back along the access road would pose a risk to highway safety, particularly in the direction of Olive Grove. There is evidence in the representations of extensive parking along Olive Grove, a situation which I observed during my visit. The presence of parked cars restricts visibility at the junction with the access road, and reversing manoeuvres into Olive Grove would be potentially hazardous.
9. Apart from the open hardstanding at the rear of No 14 and the mouth of the adjacent access to the rear of properties on Olive Grove, the access road is contained between walls and the side elevations of Nos 12 and 14, providing little opportunity for pedestrians to take refuge from vehicular traffic. Shared surfaces are often used in modern residential developments, but here the consistent narrowness of the access road would result in the risk of vehicles passing unacceptably close to pedestrians over much of its length. Moreover a door for one of the flats at No 14 opens directly onto the access road. I acknowledge that vehicles are likely to be travelling at low speeds along the road, and that pedestrians and vehicles would only be likely to be using the access road at the same time on a limited number of occasions each day. Nevertheless I consider that the confined nature of the route renders it unsatisfactory for the development proposed.
10. The Appellant maintains that satisfactory visibility of the footway is available for drivers emerging from the access road since the adjacent garden walls are less than 1m high. However I found when driving out that visibility of the footway to the left is restricted by a hedge at No 14 Olive Grove, and the presence of parked cars restricts visibility along the carriageway. Whilst I observed the situation on just one occasion, there is evidence in the

representations that parking occurs extensively on Oliver Grove, a situation which the Appellant does not dispute. These restrictions on visibility would be likely to increase the prospect of conflict between vehicles and between vehicles and pedestrians on this residential street.

11. The site was previously in use for commercial purposes by a building firm, and the Appellant points out that the access was used by flatbed wagons and pick-up vehicles. It is suggested that if the former use were reinstated this would have a greater effect than the appeal proposal. For a fallback position to carry any significant weight there should be a reasonable prospect of such development coming forward as an alternative proposal for the site. In this case there is nothing before me to this effect.
12. There is a street light on Olive Grove close to the site entrance, but no lighting on the access road itself. The Appellant is prepared to install a light at the eastern end, and the site plans indicate that there should be room for this where the road would turn into the main part of the site. The provision of lighting could be the subject of a condition, and this is not a matter which counts against the proposal.
13. The Council is concerned that the turning head shown on the site plan considered when the application was determined is sub-standard for large vehicles. An alternative design, including a longer leg in front of the three dwellings has been submitted⁴, but whilst this would achieve the 15.1m width sought the Council points out that, given the shallow depth of the northern leg, and in the absence of tracking details, it is not clear that the swept path of large vehicles would be accommodated within the turning head. Moreover, part of the access road on this layout is shown outside the appeal site, and there is no certainty, therefore, that this configuration could be achieved. Although a revised plan ensures that the access road respects the site boundary (above, para 4), the turning head on this drawing appears to be similar to that considered by the Council and below the width sought. Layout is not a reserved matter, and the arrangements presented for the turning head are unsatisfactory. Inadequate turning space could lead to larger service vehicles parking outside the site, or reversing along the access road and onto Olive Grove which I have found would be a potentially hazardous manoeuvre (above, para 8). Although the second reason for refusal also refers to congestion, there is no detailed evidence to indicate that this would be caused on the roads around the site.
14. The Council is concerned about the adequacy of access and turning facilities for emergency vehicles. However it acknowledges that the north-west corner of the house on plot 3, which would be the furthest from the existing highway, is 45m from the carriageway of Olive Grove, thereby complying with guidance in paragraph 6.7.2 of Manual for Streets.
15. I conclude that the proposed development would have an unacceptable impact on highway safety due to the constrained nature of the access road and the inadequate arrangements for turning within the site. Accordingly the proposal would conflict with Policy AS1 of the Blackpool Local Plan 2001-2016.

⁴ Drawing ref A014/185/P/100.

Living conditions

Nearby residents

16. Around the site, ground levels fall from the junction of Beech Avenue and Hazel Grove to the north towards Mere Road to the south. In consequence the main part of the site is at a lower level than the ground floors of the adjacent properties on Hazel Grove and Beech Road. The terrace of three dwellings would be set in from the boundaries, and it would not appear intrusive in the outlook from the existing properties which are set above the site. Olive Grove falls to the south, and the site levels plan indicates that the terrace would be built at a slightly higher level than that of this road to the south of the access. The ground level at the position of the proposed houses would also be higher than Mere Road, which is to the south of Olive Grove. The elevations show dwellings with low eaves heights and dormers to first floor accommodation in the roofspace. Whilst the appearance of the properties is a reserved matter, their overall height is for consideration as part of the scale of the buildings. The ridge line of about 5.5m is relatively low, and I do not consider that a terrace of this height would appear overbearing in the outlook from any of the surrounding dwellings.
17. The Council has expressed concern about overlooking of the rear gardens of Nos 26 & 28 Mere Road, referring to separation distances from front bedroom windows in the terrace of 7m and 5m respectively. However windows in the proposed dwellings would only face towards the end of these gardens, the greater parts of which would not be in the direct line of sight from the terrace. Other properties on Mere Road abutting the site would be to the side of the terrace: I do not consider that their occupants would suffer any loss of privacy given the orientation of the proposed dwellings. The occupiers of No 55 Beech Avenue and No 16 Olive Grove have also expressed concern about loss of privacy. However the rear elevation of the dwelling on plot No 3 would be about 10.5m from the garden of No 55 Beech Avenue, which is at a higher level with screening provided by the boundary treatment. There would be a greater separation distance of about 15m between the front elevation of the dwellings on plots Nos 1 & 2 and the rear boundary of No 16 Olive Grove: moreover an area of planting is indicated on the western boundary of the site, opposite to plot No 2, and a landscaping scheme could provide some screening between the properties.
18. In principle, the activity generated by additional housing should not normally be unacceptable within an existing residential area. However I share the concern of the Council that, in this case, as the access road runs immediately adjacent to Nos 12 and 14 Olive Grove, vehicle movement to and from the proposed dwellings would be likely to cause disturbance to the occupiers of those existing properties. I appreciate that the former use would have led to vehicle using the access road. However, as I have explained above (para 11) there is nothing before me to indicate that there is a reasonable prospect of reinstatement of use by a building firm should residential development not proceed.

Future occupiers

19. The Council suggests that the site would provide a poor setting for the new housing. The main part of the site is enclosed by the rear boundaries of adjacent housing. The three dwellings would be set in from the boundaries, and it is not unacceptable in principle for front elevations to face the rear boundaries of other dwellings. What is important is the treatment proposed along the site boundaries and this is a matter which could be addressed as part of a reserved matters submission. I do not consider that the outlook from the proposed dwellings would be so constrained as to render living conditions unacceptable for the occupiers.
20. I conclude that the proposed development would not result in an unsatisfactory outlook for existing or future residents; nor would it result in loss of privacy to the occupiers of adjacent dwellings. However I find that traffic movement on the access road would cause disturbance to the occupiers of Nos 12 and 14 Olive Grove, contrary to Policy CS7 of the Core Strategy and Policy BH3 of the Local Plan: I conclude that the proposal would unacceptably worsen the living conditions of those residents.

Trees

21. There are a number of trees around the main part of the appeal site. Those along the northern and eastern boundaries are generally of lesser size than the mature trees to the south-west and they are clear of the position of the proposed buildings. The site plan indicates that the house on plot No 3 and the associated garage would be partly below the canopies of the trees to the south-west. The information before me indicates that these trees are within the gardens of dwellings on Mere Road, and they do not need to be felled for the proposed development to take place. Construction work may encroach on the root zone, but trees are able to withstand a degree of root cutback without sustaining undue harm. Similarly, some pruning of these trees may be required. However I do not consider that the buildings on the southern part of the site would be positioned so close to these trees as to pose a threat to their integrity. The Appellant has no objection to a condition requiring the implementation of tree protection measures during the construction period. Should the occupiers of the dwelling on plot No 3 be concerned about shading and leaf litter, that may lead to pruning, but is unlikely to lead to removal of the trees given their position within adjacent gardens. I conclude that the proposed development would not adversely affect trees around the perimeter of the site, and that it would not conflict with Policies CS6 and CS7 of the Core Strategy, or with Policies LQ6 and NE7 of the Local Plan.

Other matters

22. Both main parties refer to bin-carry distances. The information before me indicates that refuse bins should be left for collection no further than 25m from the route of the refuse vehicle. The Appellant has suggested two possible locations for temporary bin stores close to where the access road would open up into the main part of the site. There is disagreement between the main parties as to whether these locations would be within 25m of Olive Grove. However the site plan indicates the distance from the carriageway to the main part of the site is over 25m, and both suggested bin store locations would be beyond this point. Although the Appellant contends that, alternatively, a refuse

vehicle could enter the site, I have found that the turning head arrangements are unsatisfactory.

23. The Appellant points out that the site contains derelict commercial buildings which would be demolished. The site is currently untidy and detracts from its immediate surroundings, although it is not prominent given its position contained within a block of existing housing. Redevelopment would improve the appearance of the site, and this is a benefit to which I accord moderate weight.

Conclusions

24. The proposed development would have an unacceptable impact on highway safety due to the constrained nature of the access road and the inadequate arrangements for turning within the site, and it would, therefore, conflict with Policy AS1 of the Blackpool Local Plan 2001-2016. Whilst I do not consider that there would be adverse effects on the privacy or outlook of neighbours or on the outlook of future occupiers, traffic movement on the access road would cause disturbance to the occupiers of Nos 12 & 14 Olive Grove, contrary to Policy CS7 of the Core Strategy and Policy BH3 of the Local Plan. As I have found that there would be no adverse effect on trees around the perimeter of the site, the proposal would not conflict with Policies CS6 and CS7 of the Core Strategy, or with Policies LQ6 and NE7 of the Local Plan. Overall, however, I conclude that the appeal proposal would conflict with the Development Plan, taken as a whole.
25. Redevelopment for housing would improve the appearance of the site, a benefit which merits only moderate weight. Neither this nor any other matter justifies a decision being made other than in accordance with the Development Plan, with which the proposal conflicts due to its unacceptable effect on highway safety and on the living conditions of the occupiers of Nos 12 & 14 Olive Grove. For the reasons given above, and having regard to all matters raised, including the suggested conditions, I conclude that the appeal should be dismissed.

Richard Clegg

INSPECTOR