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## Appeal Decision

Site visit made on 20 February 2018

by **Katie McDonald MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 March 2018

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### Appeal Ref: **APP/J2373/W/17/3183292** **150 Harcourt Road, Blackpool FY4 3HN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Geoffrey Packer against the decision of Blackpool Council.
  - The application Ref 17/0069, dated 27 January 2017, was refused by notice dated 3 July 2017.
  - The development proposed is 3x 2no bedroom houses.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. I note that in Part E of the appeal form it is stated that the description of development has changed. However, neither of the main parties has provided written confirmation that a revised description of development was agreed. Therefore, I have used the one given on the original application as this is what the appellants sought specific permission for.

### Main Issues

3. I consider the main issues to be:
  - i) The effect of the proposal on the safety of pedestrians and drivers;
  - ii) The effect of the proposal upon the living conditions of the existing occupants;
  - iii) The effect of the proposal upon the character and appearance of the area; and,
  - iv) Whether the proposed development would provide acceptable living conditions for future occupants.

### Reasons

4. Located on a parcel of land to the rear of dwellings on Harcourt Road and Powell Avenue, the proposal is for the erection of 3 dwellings. The dwellings

would be terraced, 2 storeys with box style front and rear dormers. The area has an urban residential character.

*Safety of pedestrians and drivers*

5. The site would be accessed from Powell Avenue, using what is currently an unsurfaced track that is around 31m long. I am advised that the width of the track is between 2.75m and 3.04m. The Council state that the track is used for rear access to 5 other dwellings on Powell Avenue. Due to its width, the access track could only cater for one vehicle travelling in either direction. The Council's Head of Highways and Traffic Management advises that 3 dwellings are likely to generate around 24 vehicle movements per day.
6. Owing to the width of the track, there would be no space to provide a pavement for pedestrians. Consequently pedestrians would be required to walk on the narrow carriageway. The dwellings surrounding the site, and indeed the dwellings proposed, are family housing and it would not be unreasonable to assume that children would use the access track. I acknowledge that shared surfaces are often encouraged in some developments. However, due to the number of dwellings proposed, the likely number of vehicles movements and the narrow width of the track, I do not consider that a shared surface access would be convenient, safe or pleasant for pedestrians in this instance.
7. Despite the appellant's assertions, I find that that the Council's advised number of vehicle movements is likely to result in occasions where 2 vehicles would be attempting to enter or exit the site. Should this happen, vehicles would be required to reverse, either out onto Powell Avenue or back into the site. Having regard to the narrow and elongated length of access road, and the risk of pedestrians being in the area, I do not consider that this would be safe or appropriate.
8. The proposed car parking indicates 5 spaces, although it is unclear how these are to be distributed between the 3 dwellings. However, there is space to turn on site in the event that all car parking spaces are taken. Furthermore on-street parking on Powell Avenue was available and additional car parking demand could be provided on street without any significant detriment to highway safety.
9. The Council advise that the width of the access would preclude a refuse collection vehicle entering and exiting the site. Therefore, future residents would be required to drag their bins to either Powell Avenue or Harcourt Road for collection. I accept that the temporary bin store would be hindered by a parking space, and if taking bins to Powell Avenue for collection, the recommended drag distance would be exceeded. However, I do not find that the distance would be excessively long; and because it would be in the future resident's interest to have their bins emptied, I am satisfied that the longer drag distance is not unacceptable.
10. Whilst the appellant indicates that a 3m wide access would accommodate a fire service vehicle, based on the Council's evidence, the access is less than 3m wide. Furthermore, the rainwater downspout of No 127 also obstructs the access. Thus, to my mind, it could not readily accommodate a fire service vehicle. However, I note that the appellant asserts that the site is within 45m of a fire appliance; and thus nothing would turn on this matter.

11. Notwithstanding my findings regarding the refuse collection drag distance and the amount of car parking spaces, I find the proposed access would have an adverse effect upon the safety of pedestrians and drivers. This would be in conflict with Policy AS1 of the Blackpool Local Plan 2001/2016 (June 2006) (LP) and Policy CS 7 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027) (January 2016) (CS). These policies seek to ensure that the access, travel and safety needs of all affected by the development are met and the proposal integrates safe pedestrian routes. I also find conflict with Paragraphs 17 and 56-65 of the National Planning Policy Framework which always seeks to secure high quality design and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

*Living conditions of existing occupants*

12. The site is surrounded by residential housing. The proposal would introduce a gable wall with dormer sides positioned to the rear garden boundary of 154 Harcourt Road. The distance between Plot 1 and No 154 would be around 9m between built forms and around 2.5m from the rear garden boundary. Whilst the maximum height would not be that of a two storey dwelling, the dormer sides would result in a tall and solid form, significantly higher than the boundary fence. As this would be located in close proximity to the rear boundary of No 154, I find it would cause a sense of dominance and enclosure when viewed from the rear ground floor windows and rear garden. It would also result in some loss of light due to its orientation. I find that this impact would cause significant harm to the living conditions of No 154.
13. The 3 rear facing first floor bedroom windows of the each dwelling would directly overlook the rear garden of 158 Harcourt Road. At a distance of around 6m away, I find that this would lead to a substantial loss of privacy of the majority of the rear garden area. Whilst a condition requiring a suitable boundary treatment could be imposed, this would not mitigate overlooking from the first floor and I find that this impact would cause significant harm to the living conditions of No 158.
14. Notwithstanding my findings above, I do not find that the proposal would be overbearing or dominant in relation to No 158, or result in loss of light. The distance between, whilst causing a loss of privacy, would be far enough away to ensure that there was no overbearing or dominant effect towards living conditions. Furthermore, the height and its location would also not result in any significant loss of light.
15. I also find that owing to the location of No 156 and the siting of the proposed dwellings, there would be no adverse effect upon their living conditions.
16. Consequently, whilst there are elements of the scheme that would not harm some neighbouring living conditions; I find that the proposal would have an unacceptable effect upon the living conditions of Nos 154 and 158. Thus, I find conflict with Policy BH3 of the LP and Policy CS7 of the CS, which seek to ensure that developments would not adversely affect the amenity of nearby residents. I also find conflict with Paragraphs 17 and 56-65 of the National Planning Policy Framework which always seeks to secure a good standard of amenity for all existing occupants of land and buildings.

### *Character and appearance*

17. I accept that densities of development in the area vary. However, in the block of dwellings that the appeal site is located, most dwellings have modest front gardens, longer rear gardens and are of a traditional two storey height. The design and scale of this proposal, to my mind, appears cramped and restricted, squeezed into a small plot of back land. It would occupy a large amount of plot, leaving small rear gardens.
18. Furthermore, with the exception of the very narrow strip of landscaping, the frontage of the site would be entirely hard surfaced. This would create a harsh, unpleasant and poor quality frontage and access that lacks visual interest, leading to a road dominant environment.
19. I find that the proposal would not provide a high quality development and would be harmful to the character and appearance of the area. Thus I find conflict with Policies AS1, LQ1, LQ2, LQ3 and LQ4 of the LP and Policy CS12 of the CS, which seek to ensure high quality design that complements the prevailing design character, provides pleasant pedestrian access; and makes a positive contribution to the quality of its surrounding environment and connected network of streets and spaces. I also find conflict with Paragraphs 17 and 56-65 of the National Planning Policy Framework which always seeks to secure high quality design that reinforces local distinctiveness.

### *Living conditions of prospective occupants*

20. The front of the dwellings would face the side gable of dwellings on Logan Courts. The distance between would be around 12m. Given that the gable of Logan Court is not a traditional two storey height, and does not occupy the entire width of the plot, I find that the distance between would not have a harmful effect upon the outlook and living conditions of the future occupiers. Thus, I find compliance with Policy BH3 of the LP and Policy CS7 of the CS, which seeks to ensure that the amenities of potential occupiers are not adversely affected.

### **Other Matters**

21. I saw Logan Court on my site visits and I have taken account of Appeal Decision APP/J2373/A/06/2021160. The characteristics of this site were quite different to that of the appeal before me. Firstly, the access was wider and shorter. Secondly, the site was previously used as builder's yard. Thirdly, the dwellings were positioned in an entirely different orientation, facing front and back and are of a different design. Whilst this site is built at a similar density to that proposed here, the prevailing density in the area is lower and it is important to retain a balance. Thus, as I have considered the proposal upon its own merits, the individual circumstances of this site lead me to conclude differently.
22. Whilst the proposed access may not be adopted or have public rights of passage, the proposal before me is to create an access to a site that will provide 3 family dwellings. Despite the contended legalities of use I am advised by the Council that this access is also used by 5 other dwellings to access the rear of their properties. In any event, I am obliged to consider the effect of the proposal upon highway and pedestrian safety, and that is what I have done.

23. Alternative designs, that include clipping gables on the dwellings, are not before me and I have considered the proposal on the basis on the plans presented.
24. I have no evidence before me that the site was previously in a commercial use. Indeed, from my visit, the site appeared to be used for nothing more than domestic purposes.
25. I have no substantive evidence that the gardens of 158 and 160 Harcourt Road are unregistered or do not belong to those properties. Furthermore, from my site visit I saw well established gardens and I have no reasons to believe that this would change in the future.

### **Conclusion**

26. Whilst there are elements of the scheme I have found acceptable, these are neutral factors and the harm I have found would significantly outweigh these matters.
27. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*Katie McDonald*

INSPECTOR