

## Appeal Decision

Site visit made on 11 December 2018

**by Felicity Thompson BA(Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>th</sup> January 2019**

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**Appeal Ref: APP/J2373/W/18/3210770**

**Land to the rear of 5 Aylesbury Avenue, Blackpool, FY4 3AL**

- 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 Steven Steele against the decision of Blackpool Borough Council.
  - The application Ref 18/0226, dated 28 March 2018, was refused by notice dated 8 June 2018.
  - The development proposed is 1 number 3 bedroom dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposed development on:
  - the living conditions of future occupiers with particular regard to outlook, privacy and safety and well-being;
  - the living conditions of the occupiers of 59 Chislehurst Avenue with particular regard to privacy and noise and disturbance; and
  - the living conditions of the occupiers of properties along Waterloo Road, Aylesbury Avenue, Chislehurst Avenue and Marton Drive with particular regard to fear of crime and anti-social behaviour.

### Reasons

#### *Living conditions of future occupiers*

3. The appeal site consists of a parcel of land in a backland location in a predominantly residential area. The site is accessed via an unmade and unadopted alley off Aylesbury Avenue. This alley also serves as an access to the rear of a number of dwellings in the surrounding residential streets, as well as five private garages and a car repair garage. The site was vacant at the time of my visit but it appears that it may have formerly been used as a builders' yard and latterly for the parking of the appellant's motorhomes.
4. The proposed dwelling would be sited in close proximity to the side boundaries of the site. There would be no windows in the side elevations and the rear dormers would be obscure glazed to prevent unacceptable overlooking of the house and garden at 59 Chislehurst Avenue. The proposed design includes a

conservatory and glazed doors at ground floor level on the rear elevation however; because of the close proximity to boundaries with neighbouring properties they would have a very restricted outlook. The windows in the front elevation would overlook the parking area, alley and the rear of houses on Waterloo Road which would have an adverse visual impact on outlook.

5. Because of the close proximity to 7 Aylesbury Avenue, the conservatory and rear garden would be overlooked from that property; as such there would be unacceptable harm to the future occupiers living conditions resulting from a lack of privacy.
6. I have had regard to the amended location plan and note that vehicle and pedestrian access would be from the alley and noted at my site visit that the alley gates referred to by the Council have been removed. Pedestrian access to the proposed dwelling would be around 35m along the alley, from Aylesbury Avenue. Whilst I noted lighting columns further along the alley, the nearest is around 13m away which is a reasonable distance from the site. On the basis of my observations, I consider that accessing the proposed dwelling as a pedestrian, during the hours of darkness, would be intimidating and leave the occupants feeling vulnerable.
7. Whilst the surface of the alley is not in ideal condition and the occupiers would have to move their bins to the end of the alley for collection, this is not uncommon. There is little in the evidence before me to identify why it would be unacceptable in this instance. I therefore conclude that this would not have a harmful effect on the living conditions of future occupiers and would not be a reason to dismiss the appeal.
8. Overall, for the reasons set out above, I conclude that the proposed development would not provide acceptable living conditions for future occupiers and therefore would conflict with Policies AS1, BH3 and LQ1 of the Blackpool Local Plan 2001/2016 (Local Plan) and Policy CS7 of the Blackpool Local Plan Part One: Core Strategy (2012-2027) (Core Strategy) which together require development to provide a high standard of design which is convenient and safe and ensures that the amenity of potential occupiers is not adversely affected. It would also conflict with the aims of the Framework to ensure a high standard of amenity for existing and future users and to promote healthy and safe communities by ensuring development is safe and accessible so that crime and disorder and the fear of crime, do not undermine quality of life.
9. The Council have referred to Policy LQ2 of the Local Plan however, this relates to site context and design. The Council appear to have found no harm in respect of the appearance of the proposed dwelling and therefore I consider this policy is not relevant to the main issue.

*Living conditions of occupiers of 59 Chislehurst Avenue*

10. Whilst the submitted plans show only one of the rear dormer windows being obscure glazed, the appellant states that it is their intention to obscure glaze both. However, both are shown as opening. In order to prevent harmful overlooking of no.59 I consider it would be necessary for the windows to be obscure glazed and non-opening. If I were minded to allow the appeal a condition requiring this would be reasonable and necessary.

11. Given that this is a residential area and there are already gardens to either side of no.59, I consider that the use of the proposed garden is unlikely to generate additional levels of noise and disturbance such that the living conditions of the occupiers of no.59 would be harmed and this would not be a reason to dismiss the appeal. In this regard the proposal does not conflict with the overall amenity protection aims of Policy BH3 of the Local Plan or Policy CS7 of the Core Strategy or the Framework.

*Living conditions of occupiers of properties along Waterloo Road, Aylesbury Avenue, Chislehurst Avenue and Marton Drive*

12. Little explanation has been provided and I see no reason why, if the alley gates were to be replaced, they would be more likely to be left open by occupiers of the proposed dwelling. Therefore, I find that there would be no harm to the occupants of surrounding properties in Waterloo Road, Aylesbury Avenue, Chislehurst Avenue and Marton Drive with regard to the fear of crime and anti-social behaviour and no conflict with the overall amenity protection aims of Policy BH3 of the Local Plan or Policy CS7 of the Core Strategy or the Framework.

### **Other Matters**

13. It appears that there is no specific policy objection to the principle of residential development on the site and I note that there were no objections from neighbouring occupants or from the Highways and Traffic Division in respect of vehicular access. Nevertheless these are neutral matters which cannot therefore outweigh my earlier findings.

### **Conclusion**

14. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

*Felicity Thompson*

INSPECTOR