



# Appeal Decision

Site visit made on 1 April 2019

**by David Fitzsimon MRTPI**

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

**Decision date: 23 April 2019**

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**Appeal Ref: APP/J2373/W/18/3217696**

**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 18/0385, dated 21 May 2018, was refused by notice dated 16 October 2018.
  - The development proposed is '2 x 2 no. bedroom dwellings'.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this case are as follows:
  - Whether the driveway and access to the proposed dwellings would be adequate in terms of both highway safety and refuse storage and collection arrangements;
  - The effect of the proposal on the living conditions of the occupiers of neighbouring dwellings with particular regard to outlook and access to natural light; and
  - Whether adequate living conditions would be provided for future occupiers of the proposed dwellings.

## Reasons

### *Safety of highway users and adequacy of refuse collection arrangements*

3. The appeal relates to a broadly rectangular 'backland' site which sits to the rear of the dwellings of Harcourt Road and Powell Avenue. Each of the two proposed bungalows would be served by two private car parking spaces with space to turn within the site. Kerbside parking is widely available nearby to cater for any overspill demand without causing any undue safety risks.
  4. However, the proposed dwellings would be accessed from Powell Avenue, utilising what is currently an unsurfaced track that is about 31 metres long. The track is very narrow and it would not be possible for two vehicles to pass each other along it. As two independent dwellings are proposed, I find it
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somewhat inevitable that occasions of vehicle conflict would occur, with two vehicles attempting enter or exit the site at the same time. At such times, one vehicle would be required to reverse either out onto Powell Avenue or back into the site.

5. I note the Council has suggested that the track is also used to access the rear of five other dwellings on Powell Avenue, but it does not appear to provide vehicular access to them. In any event, I consider that in all likelihood, the chances of pedestrians using the access road at times of vehicle conflict are likely to be low. Nevertheless, I consider that an arrangement which could result in vehicles reversing onto Powell Avenue would pose an unacceptable risk to pedestrians and motorists alike using this highway.
6. The appellants suggest that the appeal site could be put to an alternative use which would generate similar vehicle movements, but do not elaborate further. I have also considered whether my concern could be addressed by imposing a suitably worded condition to direct that incoming vehicles using the access have right of way. However, this would not be appropriate as it would be very difficult to enforce.
7. The restricted width of the access would prevent a standard refuse collection vehicle entering and exiting the site. This means that future residents would be required to take their bins to Powell Avenue for collection. I am mindful that a colleague Inspector considered this matter when determining a proposal for three dwellings at the appeal site (Ref. APP/J2373/W/17/3183292) and found that although the recommended drag distance of 25 metres would be exceeded, the distance would not be excessively long. I have no reason to disagree.
8. Whilst I find that the access road would not result in unacceptable arrangements for refuse storage and collection and adequate parking would be provided, the restricted width of the access track would prevent two vehicles from passing each other, thereby resulting in vehicle conflict and an unacceptable risk to the safety of highway users. In such terms, the proposal conflicts with policies AS1 of the adopted Blackpool Local Plan 2001-2016 (LP) and policy CS7 of the adopted Blackpool Local Plan Part 1: Core Strategy 2012-2027 (CS) which promote safe forms of development.

*Living conditions of existing residents*

9. Given the single storey nature of the proposed dwellings, I am satisfied that any privacy issues for existing residents could be overcome by the introduction of appropriate boundary treatment. The bungalows would sit close to the boundaries with Nos. 154 and 150 Harcourt Road and Nos. 127 to 133 Powell Avenue. The rear gardens of the dwellings of Powell Avenue are a generous depth. However, the rear amenity spaces of Nos. 154 and 150 Harcourt Road are very shallow. The nearest of the two bungalows proposed would span the full width of the shallow rear amenity spaces of these two dwellings.
10. Even accounting for the fact that the hipped roof would rise away from this boundary, the bungalow would be much taller than the existing boundary treatments. As a result, the occupiers of Nos. 150 and 154 Harcourt Road would be faced with a large expanse of built development directly at the bottom of their shallow rear amenity areas. Whilst the sloping roof of the nearest of the proposed dwellings would ensure that adequate levels of natural light

remained available to these properties, the overall effect would be very oppressive when viewed from the outdoor spaces and also when viewed from the ground floor rooms at the back of the houses themselves.

11. For these reasons, I find that the proposal would harm the living conditions of the occupiers of Nos. 150 and 154 Harcourt Road. In such terms, the proposal conflicts with policies LQ1, LQ2, LQ3, LQ4 and BH3 of the LP and policies CS7 and CS12 of the CS which collectively promote development that provides a high quality environment and satisfactory living conditions.

*Living conditions of future occupiers of the proposed dwellings*

12. The proposed dwellings would not have a street frontage and it has been suggested that the layout of the scheme would be cramped. However, the dwellings of Logan Court, which is another nearby 'backland' development, do not have a street frontage either and the appeal site sits within an area dominated by terraced housing at a high density. Further, the bedrooms and living rooms of the dwellings would have reasonable aspects and they would both have a decent sized amenity space. Whilst I note that the rear garden of the proposed dwelling closest to Harcourt Road would be overlooked by the nearest dwellings on this road, this is a high density neighbourhood as I have explained, where quite a high level of overlooking is typical.
13. On balance, I am satisfied that the proposed development would provide a good standard of living conditions for future occupiers. In this respect, I find no conflict with the policies referred to above.

*Other considerations*

14. In reaching my decision, I note a number of additional concerns have been raised by nearby residents including structural issues, noise and disturbance, pressure on public utilities, effect on wildlife and access for emergency vehicles, amongst others. These matters were considered by the Council at the application stage and it was considered that they could either be adequately addressed by suitably worded planning conditions or could be more appropriately dealt with by other legislation. I share this position.
15. I also appreciate the Council's Officers recommended that planning permission be granted for the appeal proposal, but I have considered the scheme on its merits as I see it.

**Overall Conclusions**

16. I conclude that although the proposed dwellings would be designed and sited in a manner which would provide adequate living conditions for future residents and adequate arrangements for refuse collection could be made, the development would harm the outlook for the occupiers of Nos. 150 and 154 Harcourt Road and it would pose an undue risk to highway users, contrary to the development policies outlined above. The arguments advanced by the appellants in favour of the scheme do not outweigh these failings and policy conflict therefore the appeal does not succeed.

*David Fitzsimon*

**INSPECTOR**