

Report to:	Planning Committee
Decision or Item number	3
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting	14 th July 2014

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 The Committee is provided with details of the planning and enforcement appeals, lodged and determined for its 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:

None

4.0 Council Priority:

4.1 Not applicable

5.0 Planning/Enforcement Appeals Determined

5.1 The coach house rear of 3 Boscombe Road, Blackpool (Ref: 13/0432)

The appeal was made by Mrs Baker against the decision of Blackpool Council. The application Ref 13/0432, dated 5th July 2013, was refused by notice dated 13th September 2013 for the use of the coach house as a single dwelling. The **appeal has been dismissed.**

The Inspector considered there to be one main issue in the appeal, namely whether the conversion proposed would be cramped, leading to unsatisfactory living conditions for its future occupants and those in neighbouring properties by reason of overlooking, loss of privacy and poor outlook.

The only external space for the dwelling proposed which would be available to future occupiers would be the existing yard shown to be divided between parking for two cars and a small planted area. The Inspector states that this open area would give no privacy to these occupiers as it is directly overlooked by first floor windows in nos. 3 and 5 Boscombe Road. The proximity of neighbouring properties to this garden area would be unacceptable. There would also be only in the order of eight metres from windows in the back of no. 3 to lounge and dining room windows in the ground floor of the converted property. This falls far short of customarily accepted separation distances between facing habitable room windows and would not afford sufficient privacy to the occupants of the converted property. Separation distances between first floor bedroom windows would be equally unsatisfactory and is indicative of an unsatisfactorily cramped form of development.

5.2 11 DEAN STREET, BLACKPOOL, FY4 1AU. (Ref: 12/8540).

Appeal by Mr and Mrs Mathews against the service of an Enforcement Notice relating to an unauthorised material change of use from a hotel with ancillary owner's accommodation in the rear ground floor flat, to a mixed use as a hotel and for permanent residential accommodation in conjunction with, but beyond the confines of, the said ancillary owner's accommodation. The appeal, an informal hearing, was under ground (a) (permission should be granted for the development) and ground (d) (that it was too late for the Council to take action). **Appeal DISMISSED.**

The appeal property is a three-storey, semi-detached building that is in the Pleasure Beach protected holiday zone as per the Council's Holiday Accommodation SPD.

Ground (d) (that it was too late for the Council to take action)

The appellants argued that the whole property had been used as a single family dwelling since the hotel ceased trading and that this use is immune from enforcement action since this had continued for more than four years. However, the Inspector noted that the property had not been physically altered to accommodate the growing family and there was no separation between the living accommodation and the vacant hotel rooms (when the notice was issued there were 14 unused hotel rooms). He went on to state *'For the property to be considered as a single dwellinghouse it would be necessary for all of the floorspace to be actually used for that purpose. It is not sufficient for planning purposes that the hotel use has*

been suspended or that Council tax/utility bills have been changed to domestic tariffs'. On the evidence before him he concluded that the property was a mixed use (as alleged in the enforcement notice), and that it had not been used as a single dwellinghouse. This made the immunity period ten years rather than four, thus the Council was not too late to take enforcement action. As such, the appeal on ground (d) failed.

Ground (a) (planning permission should be granted for the development)

The Inspector surveyed the area, and noted that the Council had recently reviewed its policies concerning holiday accommodation and now only seeks to protect the best-placed clusters of accommodation close to the Promenade and main tourist attractions. He considered the appellants' personal circumstances, how they had arrived at their current situation and their argument that the fall in visitor numbers has made it unviable for them to continue the hotel use. He also listened to the opinions of several other hoteliers from Dean Street who attended the hearing to state that the area is still a viable location for holiday accommodation.

In considering all of above, the Inspector went on to say 'From what I have heard, it would appear that the appellants have arrived at their present situation mainly in response to health issues and the accommodation needs of their son's family, rather than in pursuit of a business plan. I am not convinced on the limited evidence available that a viable holiday business could not in the future be re-established at the property', and; 'The holiday accommodation businesses on Dean Street benefit from being part of a concentrated and protected cluster, and that benefit would be eroded if the Council's policies in respect of the Main Holiday Accommodation Areas, were not consistently applied'.

The Inspector concluded that the continued use of the extended living accommodation compromises the ability to resume the hotel use in the future and thereby adversely affects the character of Dean Street as a protected holiday zone. As such, the appeal on ground (a) was dismissed too.

Compliance with the Enforcement Notice is now due by 4th September 2014.

Does the information submitted include any exempt information?

No

List of Appendices:

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