

Report to:	Planning Committee
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting *	1 st December 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 Is the recommendation in accordance with the Council's approved budget?

None

4.0 Council Priority:

4.1 Not applicable

5.0 Planning/Enforcement Appeals Determined

5.1 35 Alconbury Crescent, Blackpool, FY5 1DR (14/0143)

Appeal by Mr And Mrs Maine against the refusal of a Certificate of Lawfulness application for the erection of a carport. **Appeal dismissed.**

This application was refused under delegated powers on the basis that the proposed development would require planning permission as it would be development forward of the principle elevation.

The Inspector stated “the main issue and on the facts of this case, given in particular that it faces the highway that provides vehicular access to an off-street parking area, the north-east elevation of the dwelling is its principal elevation.

The proposed carport would be attached to the principal elevation of the dwelling and would not therefore be development permitted under Class E of Part 1 of Schedule 2 of the GPDO. The proposed carport is not permitted development.”

He concluded that for the above reasons, the appeal be **dismissed**.

5.2 23 CLIFTON DRIVE, BLACKPOOL (Henson Hotel) (13/0684)

Appeal by Mr David Jones against the refusal of planning permission for a static caravan on the Napier Road frontage of the site. **Appeal Dismissed**

The inspector considered the main issues to be:

- The effect of the development on the character and appearance of the area.
- The effect of the development on the living conditions of the adjoining residents with particular regard to outlook and privacy.

Character and Appearance

The caravan that forms the subject of this appeal is sited within the curtilage of the Henson Hotel, a substantial building which primarily fronts Burlington Road West, with secondary frontages to Napier Avenue and Clifton Drive. The caravan, which replaced a former brick built detached garage, is located at the rear of the premises with access from Napier Avenue. It is a single storey structure, clad in a light green coloured plastic with a shallow pitched roof in a darker green.

The area surrounding the site is primarily residential in character, comprising a mix of hotels and houses, generally constructed in brick and/or render. Buildings are two or three storeys in height with more substantial four storey buildings located around Burlington Road West. Properties on Napier Avenue are generally set on a distinct building line although the inspector noted that some, including the Henson Hotel and Numbers 6 and 8 have single storey extensions to their front elevations. The caravan projects beyond both the original building line, and these front extensions. As a result the inspector considered that it is prominent in the street scene, visible from the south along Napier Avenue and the north from Burlington Road West and Bond Street.

Given its materials of construction, its colour and its form, the inspector considered the static caravan bears no relation to its context and appears as an inappropriate and alien structure in an area of permanent residential dwellings and hotels. This, coupled with the prominence of the structure in the street scene, make it an incongruous feature that detracts from the character and appearance of the area.

In addition, the caravan occupies space at the side of the hotel where she noted from the submitted photographs commercial bins were previously stored. The presence of the caravan has resulted in the bins being kept in front of the building to the detriment of the quality of the street scene on Napier Avenue. This adds to her conclusion on the effect of the development on the character and appearance of the area. The inspector had taken into consideration the comments of the appellant that a bin store would be constructed should this appeal be allowed. However, such a store did not form part of the application or the consultation process and there were no details of it before her.

For the above reasons the inspector considered the proposal is contrary to Policies 1 LQ1, LQ2 and LQ4 of the Blackpool Local Plan (Local Plan). These policies seek, amongst other things, to ensure that new development makes a positive contribution to the quality of its surrounding environment and responds to and enhances the prevailing character of an area.

Living Conditions

The caravan is positioned immediately adjacent to the boundary of the site with the neighbouring property, 2 Napier Avenue which is a two storey residential dwelling. The inspector noted at her site visit that there is a kitchen window to the ground floor of that property fitted with clear glazing. Given the distance between the window and the side of the caravan, which is around 3m, the caravan has an overbearing impact from that window. Outlook from the kitchen is therefore poor and as a result living conditions within the property are compromised. In addition, because of its projection forward of the building line, the caravan also compromises outlook from the ground floor front windows of that property, albeit to a lesser extent.

She also noted that there are windows to the side of the caravan which face the kitchen window and which could lead to overlooking and thereby have an impact on privacy. However, the provision and permanent retention of obscure glass in these windows, which could be ensured by planning condition, would prevent undue overlooking.

She accepted that a garage previously occupied the site and itself would have affected outlook from the kitchen window. However, from the evidence provided this was a smaller domestic structure that was positioned further away from the boundary and which was set back from the front of the adjoining property. As such, even if it was used for domestic purposes, it would have had a significantly lesser impact on the living conditions of the neighbouring residents than the present structure. Nevertheless, notwithstanding this, it is incumbent on me to determine the appeal on its own merits.

The inspector noted at her site visit that there is a good sized private garden at the rear of the hotel which is unaffected by the development. As such the proposal does not have a significant effect on the living conditions of the owners of the hotel. She

noted the Council's concern about the living space within the caravan but it appears to be adequate for its present use particularly given its close association with accommodation belonging to family members. However these matters do not have a bearing on how the caravan relates to the living conditions of the neighbours.

As a result of its size and position in relation to the neighbouring property the inspector concluded that the caravan has a significant adverse effect on the living conditions of the neighbouring residents as a result of its overbearing impact.

As such the proposal is contrary to the provisions of Policy BH3 of the Local Plan which seek to ensure that development should not affect the amenity of neighbouring residents and is well designed to take account of its context.

Other Matters

The inspector took into consideration the fact the caravan is presently occupied by the appellant's elderly mother-in-law, who has health issues, and her son who also requires a degree of care. She also noted the comments of the occupant's GP who suggests the resident benefits from living close to family members. She did not dispute these matters. However, there seemed to be no convincing reason to the inspector why alternative accommodation, within the hotel or elsewhere in the local area where family members would still be close by if needed, could not be provided. These personal circumstances do not therefore outweigh the harm the caravan causes to the living conditions of the neighbouring residents and its effect on the character and appearance of the area.

A temporary permission of five years is now sought. The inspector was not aware of the basis for this but in any event a temporary permission would not justify or mitigate against the harm that would be caused to the amenity of the neighbouring residents or the character of the area during the time the caravan was in place. The inspector was not persuaded that a temporary permission would be appropriate in this instance.

Does the information submitted include any exempt information? No

6.0 Planning/Enforcement Appeals lodged

6.1 None

Does the information submitted include any exempt information? No

List of appendices

None

7.0 Legal considerations:

7.1 None

8.0 Human Resources considerations:

8.1 None

9.0 Equalities considerations:

9.1 None

10.0 Financial considerations:

10.1 None

11.0 Risk management considerations:

11.1 None

12.0 Ethical considerations:

12.1 None

13.0 Internal/ External Consultation undertaken:

13.1 None

14.0 Background papers:

14.1 None