

Report to:	Planning Committee
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting	14 January 2015

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):

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

4.0 Council Priority:

4.1 Not applicable

5.0 Planning/Enforcement Appeals Determined

5.1 182 LYTHAM ROAD, BLACKPOOL (14/0248)

Appeal by Mr Hartley against the refusal of planning permission for the conversion of the hotel into two flats – **APPEAL DISMISSED**

The Inspector considered the main issues in this case to be:

- The implications of the proposal for the regeneration of the area, with particular regard to the overall mix and balance of housing provision;
- whether the proposed development would provide satisfactory living conditions for future occupiers with particular regard to privacy and the provision of outdoor amenity space.

The appeal relates to a three-storey, mid-terraced property which is currently vacant. The site is located on Lytham Road, a main route into the town, which in the vicinity of the site is characterised by a mixture of commercial, residential and community uses. The site itself lies between two existing residential properties, one of which appears to have been subdivided into flats, immediately opposite commercial premises and close to two churches. The property has a bay window to the front elevation which it is proposed to replace as part of the proposal.

The site is located within the 'Defined Inner Area' as designated in the Blackpool Local Plan 2006 (Local Plan). Within the area there are a higher proportion of small residential units, and a shortage of larger units capable of accommodating families compared to the regional and national averages. The area is also one of the most deprived areas in England. Consequently she noted that the Council is aiming to strengthen community cohesion and reduce overall deprivation by, amongst other things, addressing the imbalance in the housing stock by resisting the conversion of smaller houses to smaller units, thereby encouraging a higher proportion of better quality family homes.

The Inspector noted that Policy BH1 of the Local Plan states that development proposals will be assessed in terms of their impact on their local neighbourhood and the extent to which they contribute to the pursuit of a more balanced and healthy community. Policy HN5 states that, within the Defined Inner Area, proposals for the conversion or subdivision of properties for residential use will not be permitted where they would further intensify over-concentrations of flat accommodation and conflict with the wider efforts for the comprehensive improvement of the neighbourhood as a balanced and healthy community. To support this objective, she noted that the Council adopted the New Homes from Old Places Supplementary Planning Document (SPD) in 2011. The SPD sets out, amongst other things, floorspace and amenity standards to address the over-supply of small flats and the poor quality of dwellings.

The Inspector noted that the SPD sets 160sqm of original floorspace as a threshold, below which subdivision is considered unacceptable. We calculated that the original floorspace of this property was approximately 180 sqm. It seemed to her therefore that under the provisions of the SPD, its subdivision is not unacceptable in principle.

The proposal would provide two units of accommodation. The proposed three bedroomed unit which would be set over the first and second floors is capable of accommodating a family and would contribute to the supply of dwellings with more than five habitable rooms of which the Council's evidence identifies a shortage. The two-bedroomed ground floor unit would have four habitable rooms but would provide poor quality living accommodation as discussed below.

She commented that we do not specify a proportion or threshold for small units that they would consider acceptable. Nevertheless we advised her that flat units comprise more than half of the accommodation in the area, significantly above the local, regional and national averages. This in her judgement represents an over concentration of such units. She noted that the boundaries of the Defined Inner Area and the Lower Super Output Area are not the same. However the site falls within both areas and the evidence is therefore relevant.

The property is currently vacant and she noted the disagreement between the parties as to whether the lawful use of the building is as a hotel or a dwelling. Notwithstanding this, the building appears capable of being used as a single dwelling and as such would contribute to the supply of family dwellings. She is not persuaded that such a use would be unviable or that there would not be demand for it.

The appellant drew to her attention to a recent appeal at 198 Lytham Road (ref APP/J2373/A/13/2189847) which was allowed. This proposal seems to her to differ from the appeal proposal in that the property in question had already been subdivided and therefore did not involve, potentially, the loss of a larger unit. Furthermore, the proposal related to the conversion of a retail unit and the Inspector in that case concluded that the policy conflict was outweighed by the benefits of the scheme. As such, the case is not directly comparable to the appeal proposal. The appellant also drew her attention to several addresses where planning permission has been granted by the Council for flats, and in one instance to the conversion of a property to a dwelling which was refused. The Inspector commented that she did not have the details of these cases before her and in any event she must deal with the appeal proposal on its own merits.

She accepted that the proposal would result in investment in the property and that its physical appearance would be improved as a result. She also accepted that the proposal would contribute to the supply of housing in the Borough. These are benefits of the scheme.

However, the NPPF requires, as a core principle, that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all. The Council's aims to promote opportunities for the creation of sustainable, inclusive and mixed communities are therefore in line with the Framework. The creation of the two units in the manner proposed would alter the balance of housing and thereby conflict with these aims. The appellant has noted, and I accept, that the area does not necessarily represent Blackpool as a whole, and that other towns with a high concentration of flats are not necessarily deprived. However, this particular defined area has unusual circumstances as a result of its historical development and I am not persuaded that the acceptance of additional flats in it would assist in providing the mixed community we are seeking to achieve.

For the reasons outlined above, she considers the proposal would conflict with Policies BH1 and HN5 of the Blackpool Local Plan which both seek to prevent further conversion or subdivision of properties in the Defined Inner Areas that would intensify over-concentration of flat accommodation and conflict with the wider aims of neighbourhood improvement.

Living Conditions

She noted that we acknowledge that the proposed flats would meet the basic space standards set out in the SPD. However, there is a concern relating to the privacy of and outlook from the ground floor bedrooms. She noted at her site visit that both bedrooms would have windows directly facing the outrigger of the adjoining property at very close proximity resulting in a poor quality outlook. Moreover there are habitable room windows in the neighbouring property facing the site. As such the bedrooms would be overlooked and would consequently have very limited amount of privacy. The presence of the narrow alleyway to the rear yard, which would be used by occupiers of the upper floor flat, would further compromise privacy.

She took into account the appellant's suggestion that the lower portion of the windows could be fitted with obscure glass and that tenants would deal with the issue by means of curtains or blinds. However, she felt that the provision of obscure glazing to a bedroom window or the need to have curtains drawn during the day would provide an unacceptably poor residential environment. The appellant has suggested that cills could be raised to improve privacy. However, she noted that there is no scheme for such an alteration before her. Moreover this would not prevent overlooking and would not significantly improve the levels of privacy within the rooms.

She acknowledged that the appellant has suggested that the staircase is relocated to prevent occupants of the upper flats walking past the windows of those rooms on the ground floor to access the yard. This would involve a redesign of the floor layout. Whilst the relocation of the access to the yard may improve privacy, there is no such proposal before me. Moreover, it would not overcome the issues relating to loss of privacy or outlook as a result of the proximity of the neighbouring property. The SPD requires that private outdoor amenity space is provided for use by residents. The existing external space to this property is currently very limited at around 18 sqm, and capable of accommodating bins and cycles only. Whilst both flats would have direct access to the rear yard there is no meaningful space for clothes drying or sitting out for occupants of the flats. Whilst the basement area would provide storage space, there is no other provision of amenity space within the site.

She accepted that the amenity area would also be limited in size for use by occupants of a single dwelling. Nevertheless it would be particularly restricted were it to be shared between the two units. The SPD suggests that in the absence of provision of meaningful outdoor space, applicants would be expected to compensate for this with higher quality internal space. Given the shortcomings of the proposed ground floor bedrooms, the proposal does not achieve this.

She was satisfied that the provision of the cycle and bin stores could be secured by planning condition. Nevertheless, the lack of provision of space for sitting out and clothes drying, in addition to the poor outlook and level of privacy to the ground floor windows would result in poor living conditions for future occupiers. She considers the proposal therefore conflicts with Policy BH3 of the Local Plan and advice within the SPD which seek to ensure that adequate amenity standards are provided for occupiers of residential accommodation.

Other Matters

Although not a reason for refusal we drew her attention to the design of the proposed bay window. She noted that the proportions of the bay as indicated on the submitted plans would not accurately reflect those of the neighbouring properties and as such the window would appear incongruous. Had she been minded to allow the appeal she was satisfied that this was a matter which could have been dealt with by planning condition.

Planning Balance and Conclusion

Although the Council explained that it can now demonstrate a five-year housing land supply, The Inspector commented this has not yet been tested. As such our relevant policies for the supply of housing cannot be considered up to date. Paragraph 14 of the NPPF advises that in such instances permission for sustainable development should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

The proposal has a number of sustainability credentials. The site lies in a sustainable location close to town centre amenities and would make efficient use of a brownfield site. Furthermore it would provide investment into a currently run down building such that would improve the character and appearance of the building and that of the surrounding area. It would also provide additional units of residential accommodation that would contribute to the supply of housing. These are benefits of the scheme although because of the small scale of the development, the benefits are also limited.

However, the NPPF also seeks to ensure provision of a wide choice of quality homes and to create sustainable, inclusive and mixed communities. The proposal would, in effect, increase the concentration of smaller units in the 'Defined Inner Area' which we are seeking to avoid and thereby it would undermine the Council's strategy to deal with the current imbalance in housing provision and address deprivation in the area. Furthermore, the quality of the accommodation provided would be poor in terms of the living conditions relating to the ground floor bedrooms and the provision of amenity space. The NPPF requires that a good standard of amenity is provided for existing and future occupiers of land and buildings. These matters significantly and demonstrably outweigh the benefits of the scheme. For these reasons and taking into account all other matters raised, she concluded that the appeal should be dismissed.

5.2 146 LYTHAM ROAD, BLACKPOOL (14/0441)

Appeal by Mr Hartley against the refusal of planning permission for the conversion of the hotel into residential flats – **APPEAL DISMISSED**

The Inspector considered the main issues in this case to be:

- The implications of the proposal for the regeneration of the area, with particular regard to the overall mix and balance of housing provision;
- whether the proposed development would provide satisfactory living conditions for future occupiers with particular regard to privacy and the provision of outdoor amenity space.

The appeal relates to a three-storey, mid-terraced property which is currently vacant. The site is located on Lytham Road, a main route into the town, which in the vicinity of the site is characterised by a mixture of commercial, residential and

community uses. The site itself lies between two existing residential properties, one of which appears to have been subdivided into flats, immediately opposite commercial premises and close to two churches. The property has a bay window to the front elevation which it is proposed to replace as part of the proposal.

The site is located within the 'Defined Inner Area' as designated in the Blackpool Local Plan 2006 (Local Plan). Within the area there is a higher proportion of small residential units, and a shortage of larger units capable of accommodating families compared to the regional and national averages. The area is also one of the most deprived areas in England. Consequently she noted that the Council is aiming to strengthen community cohesion and reduce overall deprivation by, amongst other things, addressing the imbalance in the housing stock by resisting the conversion of smaller houses to smaller units, thereby encouraging a higher proportion of better quality family homes.

The Inspector noted that Policy BH1 of the Local Plan states that development proposals will be assessed in terms of their impact on their local neighbourhood and the extent to which they contribute to the pursuit of a more balanced and healthy community. Policy HN5 states that, within the Defined Inner Area, proposals for the conversion or subdivision of properties for residential use will not be permitted where they would further intensify over-concentrations of flat accommodation and conflict with the wider efforts for the comprehensive improvement of the neighbourhood as a balanced and healthy community. To support this objective, she noted that the Council adopted the New Homes from Old Places Supplementary Planning Document (SPD) in 2011. The SPD sets out, amongst other things, floorspace and amenity standards to address the over-supply of small flats and the poor quality of dwellings.

The Inspector noted that the SPD sets 160sqm of original floorspace as a threshold, below which subdivision is considered unacceptable. We calculated that the original floorspace of this property was approximately 180 sqm. It seemed to her therefore that under the provisions of the SPD, its subdivision is not unacceptable in principle.

The proposal would provide two units of accommodation. The proposed three bedroomed unit, which would be set over the first and second floors is capable of accommodating a family and would contribute to the supply of dwellings with 5+ habitable rooms of which the Council's evidence identifies a shortage. The two-bedroomed ground floor unit would have four habitable rooms but would provide poor quality living accommodation as discussed below.

She commented that we do not specify a proportion or threshold for small units that they would consider acceptable. Nevertheless we advised her that flat units comprise more than half of the accommodation in the area, significantly above the local, regional and national averages. This in her judgement represents an over concentration of such units. She noted that the boundaries of the Defined Inner Area and the Lower Super Output Area are not the same. However the site falls within both areas and the evidence is therefore relevant.

The property is currently vacant and she noted the disagreement between the parties as to whether the lawful use of the building is as a hotel or a dwelling. Notwithstanding this, the building appears capable of being used as a single dwelling and as such would contribute to the supply of family dwellings. She is not persuaded that such a use would be unviable or that there would not be demand for it.

The appellant drew to her attention to a recent appeal at 198 Lytham Road (ref APP/J2373/A/13/2189847) which was allowed. This proposal seems to her to differ from the appeal proposal in that the property in question had already been subdivided and therefore did not involve, potentially, the loss of a larger unit. Furthermore, the proposal related to the conversion of a retail unit and the Inspector in that case concluded that the policy conflict was outweighed by the benefits of the scheme. As such, the case is not directly comparable to the appeal proposal. The appellant also drew her attention to several addresses where planning permission has been granted by the Council for flats, and in one instance to the conversion of a property to a dwelling which was refused. The Inspector commented that she did not have the details of these cases before her and in any event she must deal with the appeal proposal on its own merits.

She accepted that the proposal would result in investment in the property and that its physical appearance would be improved as a result. She also accepted that the proposal would contribute to the supply of housing in the Borough. These are benefits of the scheme.

However, the NPPF requires, as a core principle, that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all. The Council's aims to promote opportunities for the creation of sustainable, inclusive and mixed communities are therefore in line with the Framework. The creation of the two units in the manner proposed would alter the balance of housing and thereby conflict with these aims. The appellant has noted, and I accept, that the area does not necessarily represent Blackpool as a whole, and that other towns with a high concentration of flats are not necessarily deprived. However, this particular defined area has unusual circumstances as a result of its historical development and I am not persuaded that the acceptance of additional flats in it would assist in providing the mixed community we are seeking to achieve.

For the reasons outlined above, she considers the proposal would conflict with Policies BH1 and HN5 of the Blackpool Local Plan which both seek to prevent further conversion or subdivision of properties in the Defined Inner Areas that would intensify over-concentration of flat accommodation and conflict with the wider aims of neighbourhood improvement.

Living Conditions

In addition to seeking to address the overconcentration of small units, she noted the Council is seeking to improve the quality of accommodation. The SPD sets out, amongst other things, space standards for units of accommodation, which the

proposal meets, and also requires that private outdoor amenity is provided for use by residents. The property, in common with other terraced properties, has a small rear yard which would accommodate bin and cycle stores and provide a small area for drying or sitting outside. The proposal includes the demolition of an existing ground floor bathroom to maximise this space. Both properties would have direct access to it.

The outdoor space, at around 30 sqm of useable area, is not generous either for use by occupants of a single dwelling or for shared use. However, the proposal includes the creation of a balcony to provide additional space for the occupants of the upper unit. Such features are encouraged in the SPD. The balcony would be created at second floor level on the roof of the existing outrigger, set in from the edge of the roof by around 2m and would provide a small area for sitting out. She noted our concerns that the balcony would result in overlooking of the neighbouring property. There is a considerable degree of overlooking between the properties at present given the position of windows on the facing outriggers. However, she noted the appellant is willing to erect a screen to prevent any further overlooking and this could be secured by way of a planning condition.

It seemed to her that the combination of the rear yard, the balcony and the cellar for storage use, would provide the occupants with adequate space for amenity purposes. She therefore concluded on this issue that the proposal would not conflict with Local Plan Policy BH3 which seeks to ensure that adequate amenity standards are provided for the occupiers of residential accommodation, and that development does not adversely affect the amenity of those occupying residential accommodation by its effect on privacy.

Planning Balance and Conclusion

Although the Council explained that it can now demonstrate a five-year housing land supply, the Inspector commented this has not yet been tested. As such our relevant policies for the supply of housing cannot be considered up to date. Paragraph 14 of the NPPF advises that in such instances permission for sustainable development should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

The proposal has a number of sustainability credentials. The site lies in a sustainable location close to town centre amenities and would make efficient use of a brownfield site. Furthermore it would provide investment into a currently run down building such that would improve the character and appearance of the building and that of the surrounding area. It would also provide additional units of residential accommodation that would contribute to the supply of housing. These are benefits of the scheme although because of the small scale of the development, the benefits are also limited.

However, the NPPF also seeks to ensure provision of a wide choice of quality homes and to create sustainable, inclusive and mixed communities. The proposal would, in effect, increase the concentration of smaller units in the 'Defined Inner Area' which we are seeking to avoid and thereby it would undermine the Council's strategy to deal with the current imbalance in housing provision and address deprivation in the area. Furthermore, the quality of the accommodation provided would be poor in terms of the living conditions relating to the ground floor bedrooms and the provision of amenity space. The NPPF requires that a good standard of amenity is provided for existing and future occupiers of land and buildings. These matters significantly and demonstrably outweigh the benefits of the scheme. For these reasons and taking into account all other matters raised, she concluded that the appeal should be dismissed.

Does the information submitted include any exempt information? No

None

6.0 Planning/Enforcement Appeals lodged

6.1 2 Beaufort Avenue, Blackpool, FY2 9HQ (14/0076)

An appeal has been submitted by Mr Rochford against the Council's refusal of planning permission External alterations and erection of part single storey, part three storey side extension and use of premises as altered as three dwellinghouses, with associated car parking, bin store provision, boundary treatments and landscaping, following demolition of existing single storey side extensions

6.2 Glenroyd Nursing Home, Whitegate Drive, Blackpool, FY3 9HF (14/0510)

An appeal has been submitted by Mrs A Beswick against the Council's non determination within time allowed for Proposed felling of T6, T8, T15, T16 and poplar tree within G3 and the carrying out of works to T1-5, T7, T12, T13, T14 and trees within G1 and G2 within the Borough of Blackpool (Former Glenroyd, Whitegate Drive) Tree Preservation Order (No.25) 1985.

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