

<b>Report to:</b>	<b>Planning Committee</b>
<b>Relevant Officer:</b>	Gary Johnston, Head of Development Management
<b>Date of Meeting</b>	9 March 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 a summary of 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 6 South Park Drive, Blackpool FY3 9QA (13/8423)**

Appeal by Mrs Elizabeth Cathcart against the service of an Enforcement Notice relating to the unauthorised formation, laying out and construction of a means of access to a classified road by removal of all of the front boundary wall and relocation of the gatepost.

#### **Appeal dismissed.**

The Inspector stated that the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure is development permitted under Class A of Part 2 of Schedule 2 of The Town and Country (General Permitted Development) Order 1995 (the GPDO) but this does not include the removal of a wall. The removal of the wall has facilitated, and resulted in, the formation, laying out and construction of a means of access to a highway and this is development permitted under Class B of Part 2 of Schedule 2 of the GPDO but only if the highway is not a trunk road or a classified road. As South Park Drive is part of the A587, which is a classified road, the formation, laying out and construction of a means of access to a highway is not permitted development.

In considering the merits of the development under the ground (a) appeal, the Inspector considered that the main issue was the effect of the removal of the frontage boundary wall and the relocation of the gatepost on the character and appearance of the street scene.

The Inspector highlighted that houses built on South Park Drive and in the wider area, such as those on nearby Honister Avenue and Dunmail Avenue, were all built at about the same time. Each had a narrow entrance in a frontage brick boundary wall either to a parking space in front of the house or to a driveway that led past the house probably to a garage. The entrances had brick gateposts on both sides. The decorative and distinctive walls and gateposts largely remain and make a positive contribution to the character and appearance of each street scene. The removal of the frontage boundary wall and the relocation of the gatepost at the appeal property constitute a poor standard of design and have had a significant adverse effect on the character and appearance of the street scene. The unauthorised development conflicts with saved policies BH3, LQ1 and LQ14 of the Blackpool Local Plan.

The Enforcement Notice was upheld, and is due for compliance by 20 April 2015.

## **5.2 351 Promenade, Blackpool FY1 6BJ (13/8370)**

Appeal by Mr Nabil Awad against the service of an Enforcement Notice relating to the unauthorised erection of timber seating structures and tables on the forecourt of 351 Promenade. **Appeal dismissed.**

The Inspector noted that at the time of his visit, the forecourt area was clear of any seating structures or tables. The requirements of the Enforcement notice have therefore been complied with. However, the Appellant made no claim that the structures and tables were not in place on the date of issue of the notice and his ground (c) appeal had to be determined.

The Inspector noted that in support of his appeal, the Appellant has simply stated that the land in front of his hotel is private land and that its use for a seating area rather than for parking is permitted development. The erection of timber seating structures and tables on the forecourt of the hotel is not permitted development because the land is private. Categories of development that are permitted are those that are set out in The Town and Country (General Permitted Development) Order 1995 (the GPDO). None of the categories relate to development of land that is in use as a hotel. The erection of timber seating structures and tables on the forecourt of the hotel is not permitted development and the ground (c) appeal thus failed.

## **5.3 23 WARBRECK DRIVE, BLACKPOOL (13/0650)**

Appeal by Mr G Jones against the refusal of planning permission for external alterations including roof lift to existing single storey rear extension, installation of external staircase to rear first floor level and formation of first floor balcony to rear, and use of the house as altered as two self-contained permanent flats. **Appeal dismissed.**

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

- (i) The effect of the proposal on the overall mix and balance of housing provision;
- (ii) Whether the proposal would provide acceptable living conditions for future occupiers of the proposed flats, with particular regard to outlook, daylight and the provision of private amenity space, and the effect of the proposal on the living conditions of the residents of neighbouring properties, with particular reference to privacy, daylight, outlook and the availability of on-street parking.

### **Mix and balance of housing**

This two-storey mid-terrace property is situated on a road that is characterised by similar housing. However there is a mixture of hotels, dwellings and apartments in the nearby streets to the west.

Chapter 2 of the Blackpool Local Plan 2006 (BLP) provides a spatial portrait of the Borough. In doing so it sets out that Blackpool suffers from acute levels of deprivation, has an oversupply of one-person accommodation, limited choice of family housing and a significant demand for good quality affordable housing. Consequently the Council is aiming to re-address the existing housing imbalance and abundance of poor quality housing.

Although the site is not located within a 'Defined Inner Area' or a "Resort Neighbourhood" in the BLP, Policy BH1 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 permits the conversion and subdivision of existing buildings for residential use, where amongst other things; it would satisfy the Council's floorspace and amenity standards, set out within the Council's Supplementary Planning Document "New Homes from Old Places" 2011 (SPD) which aims to address the over-supply of small flats and poor quality dwellings.

The Council stated that Lower Super Output Area 006C within which the appeal property is located is within the top 7.6 per cent of the most deprived areas in the country; and that there is a link between this and the residential accommodation in this area of which 46 per cent is provided by flats, maisonettes or apartments. This percentage of flats is significantly above the local, regional and national averages. Although we did not specify what numerical proportions would be acceptable, the Inspector had no substantive reason to conclude that this evidence is flawed. As such he considered 46 per cent to represent an overconcentration of such units, and that the provision of a further 2 flats would lead to an increase in this imbalance.

The Inspector noted that the property has an overall floorspace below the SPD threshold for conversion (160sq m), but the individual rooms would meet the minimum standards. However he thought that the 2 bedroomed flats would be unlikely to provide accommodation suitable for larger households, and would therefore be unlikely to contribute to the creation of a more mixed and balanced community in the locality.

He concluded that the proposed flats would have a harmful effect on the overall mix and balance of housing provision in the area and would conflict with the aims of Policy BH1.

### **Living conditions**

With regard to external areas, the Inspector was satisfied that the combination of the rear yard and the balcony would provide adequate space for amenity purposes and would not materially harm the privacy of immediate neighbouring residents nor those on Cornwall Avenue to the rear.

He considered that the outlook from the ground floor windows of the adjoining property at 25 Warbreck Drive had already been significantly compromised by the existing two storey outrigger to no. 23 and the shared boundary wall. He did not consider that the extent of the additional built development and screen above it would appear overbearing or lead to an undue loss of outlook, nor any substantial increase in the amount of overshadowing to 25 or 27 Warbreck Drive.

The Inspector felt that there was little firm evidence of car parking problems or congestion along Warbreck Drive. The flats would not have any off-street car parking provision, but at the time of his site visit there was sufficient space on the section of highway directly in front of the appeal site and in the surrounding streets to accommodate additional cars. In the absence of any substantive evidence to the contrary he was unable to conclude that any modest increase in on-street parking would increase congestion to the extent that residential amenity would be compromised.

Access to the ground floor rear amenity space area from the first floor flat would be provided by an external staircase in the light well area. In order to provide adequate privacy to the first floor rear bedroom of the adjacent property, he felt it likely that some form of screening would be needed, which would result in the bedroom having less natural light and a significantly reduced outlook. The staircase would also be positioned in front of the proposed ground floor flat's patio doors and would rise up directly across its side bedroom window. At such close proximity, he considered the level of outlook and natural light for future occupiers would also be significantly compromised.

He therefore concluded that the proposal would not provide acceptable living conditions for future occupiers of the proposed ground floor flat, and that it would have a materially harmful effect on the living conditions of the residents of neighbouring properties, with particular reference to outlook and daylight in both instances. Policy BH3 of the BLP seeks to ensure that developments would not adversely affect the amenity of those occupying residential accommodation and he concluded that the proposal would conflict with the aims of this policy.

## **Planning balance and conclusion**

At the time of the appeal, the Council did not have an identifiable five-year housing land supply and its policies relevant to the supply of housing could not be considered up-to-date. Paragraph 14 of the Framework requires that the decision maker grant permission for proposals for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

To this end, the Inspector felt that the proposal would make a modest contribution towards addressing the undersupply of housing, and would result in private investment. However he also found that the quality of the accommodation would be poor in terms of the living conditions for future occupiers, it would harm the living conditions of the occupiers of neighbouring dwellings and would further intensify an existing over-concentration of flat accommodation in the locality, contrary to the aims of creating a more balanced community. These adverse impacts would very significantly and demonstrably outweigh the factors supporting the proposal and it would therefore not constitute sustainable development for which there is a presumption in favour. In reaching this conclusion he had borne in mind paragraphs 47-49 of the Framework and its guidance that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings, and to create mixed and balanced communities.

For the reasons given above, he dismissed the appeal.

Does the information submitted include any exempt information? No

### **6.0 Planning/Enforcement Appeals lodged**

#### **6.1 Units 1 and 2, Back Threlfall Road, Blackpool. FY1 6NW (14/0387)**

An appeal has been submitted by Mr Tony Mulligan against the Council's refusal of planning permission Installation of first floor windows and use of first floor of premises as one self-contained permanent flat.

#### **6.2 Larkfield, St Nicholas Road, Blackpool, FY4 5JB (14/0783)**

An appeal has been submitted by Mrs Jenny Taylor against the Council's refusal of planning permission for Erection of single storey side extension including extension to existing first floor roof terrace.

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