

<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Susan Parker, Head of Development Management
<b>Date of Meeting:</b>	22 March 2022

## PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

### 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 To provide the Committee with a summary of planning appeals for information.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3 Is the recommendation in accordance with the Council's approved budget? Yes

### 4.0 Other alternative options to be considered:

4.1 None, the report is for information only.

### 5.0 Council Priority:

5.1 The relevant Council priorities are both 'The Economy: maximising growth and opportunity across Blackpool' and 'Communities: creating stronger communities and increasing resilience'.

### 6.0 Planning Appeals Lodged

6.1.1 21/0466 – 30 Anchorsholme Lane East, Blackpool, FY5 3QL - Erection of detached bungalow with associated parking and landscaping works following demolition of outbuildings (resubmission of application 20/0769)

An appeal has been lodged by Mr C Barlow against the Council's refusal of planning permission.

6.1.2 21/0567 - 1 Cumberland Avenue, Blackpool, FY1 5QL - Erection of first floor rear extension and use of premises as altered as 4 self contained permanent flats.

An appeal has been lodged by Mr McLoughlin against the Council's Refusal of planning permission.

6.1.3 21/0790 - Fylde Coast Radio Studios, Starr Gate, Blackpool, FY4 1RU - Display of 1 double sided internally illuminated digital LED advertising unit.

An appeal has been lodged by Mr D Keady against the Council's refusal of advertisement consent.

6.1.4 21/0790 - 115 Promenade, Blackpool, FY1 5AA - Display of a gable mounted 6.4m x 3.4m digital LED screen.

An appeal has been lodged by Mr G Hughes against the Council's refusal of advertisement consent.

6.1.5 21/0661 - Land to the rear of 199-201 Common Edge Road, Blackpool, FY5 5DJ - Erection of a detached dwelling house with balcony at first floor level and integral garage with associated access and landscaping works.

An appeal has been lodged by Mr Coatman against the Council's refusal of planning permission.

## **7.0 Planning/Enforcement Appeals Determined**

7.1 20-0033 – 7 – 11 Bond Street – Use of the land as a 40 space car park following demolition of the building

Appeal Dismissed.

The Inspector considered that there were two main issues:

- The effect on the character and appearance of the area
- Highway Safety

On the first issue, she considered that even though the building was a Locally Listed Building (LLB), demolition was the only viable option. Having said that, she went on to say that use as a surface car park on such a prominent site, dominated by two storey buildings, would be contrary to the strong sense of enclosure that characterises the area and would impact negatively on the setting of other LLB's in the locality. Furthermore, she was not convinced that a surface car park was the only viable use and considered that the site could potentially be developed in ways more consistent with the character of the area. As such, she considered that the development would cause adverse visual harm and would not respond to or enhance the character of the area.

On the second issue, and in the absence of contrary evidence, she agreed with the Council that the access point was too close to the junction with Bath Street and would be detrimental to highway safety as it would not provide safe and appropriate access to the highway network.

7.2 20-0790 – 20 Bairstow Street – Use of premises as 6 self-contained holiday flats

Appeal Allowed.

The Inspector agreed that Policies CS13 and HN5, the Council's New Homes from Old Places SPD, and the nationally described space standards were not necessarily limited to permanent residential use only and could apply to other forms of residence, such as those being used by visitors. The decision also acknowledged that the proposal for holiday flats would be a Sui Generis use.

However, the Inspector found that whilst the proposed holiday flats did not meet the minimum space standards for the relevant size of accommodation proposed or housing mix requirement, the nature of the accommodation proposed and how it would be utilised should be considered, concluding that the expectations of those residing in holiday flats would be different to those living in permanent residential accommodation. It was considered that whilst different to a hotel room, the flats would still be catering for short term visitors. The Inspector noted that during a site visit it was observed that the flats were already partially completed and finished to a high standard and provided usable and effective layouts despite their size. As such, it was considered that the overall size and quality of the holiday flats would provide satisfactory short-term accommodation for future occupiers.

The Inspector acknowledged the Council's concerns with future proofing, however found that the proposal sought to safeguard existing holiday accommodation and should be considered on its own merits. Similarly, concerns regarding use as a House of Multiple Occupation (HMO) were considered but it was determined that the application should be determined on its own merits.

The appellant also appealed for costs against the Council for unreasonable behaviour, however the Inspector found that the policies applied to the proposal by the Council were relevant to the proposal and the Council had set out an adequate level of reasoning to justify its decision. Additionally, the Council had considered the benefits of the proposal but were entitled to exercise planning judgement and attribute weight to different matters as it saw fit. Whilst the Inspector did not agree with the Council's decision, it was not considered that the Council acted unreasonably and the request for costs was refused.

7.3 The Planning Inspectorate decision letter can be viewed online at <https://idoxpa.blackpool.gov.uk/online-applications/>

7.4 21-0455 – 153 Bispham Road, Blackpool, FY2 0NN – erection of a single storey detached rear extension

Appeal Allowed.

The main issue outlined by the Inspector was whether the proposed development was permitted development under Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GDPO). The appeal property had a number of single-story extensions to the rear and side and the proposal was for a single-story rear extension, separated from a non-original side extension by 150mm.

The Inspector determined that whilst the gutter of the proposed extension would overlap the existing side extension, it would not in their view, alter the clear visual separation between the two extensions. Whilst they accepted the gap would be minimal it would be clear that the extensions were freestanding and not joined, connected or linked.

The Permitted Development Rights for Householders Technical Guidance 2019 refers to situations where there is more than one extension. It outlines that under paragraph J(a) of the GDPO, the size of the total enlargement (being the proposed extension together with the previous extension to which it will be joined) will be taken into account. In this case as the Inspector found the extensions would not be attached, the total enlargement would not be more than half the width of the original house. It is the Inspectors view that it would therefore accord with both paragraphs J(iii) and J(a) of the GDPO.

In their decision the Inspector also acknowledged that the provision of a gap may be seen to be a way to get round the limitations of the GDPO. Nevertheless, it is their view that the two structures are separate and so would meet the requirements of criteria j(iii) and j(a).

7.5 Does the information submitted include any exempt information? No

**8.0 List of Appendices**

8.1 None.

**9.0 Financial considerations:**

9.1 None.

**10.0 Legal considerations:**

10.1 None.

**11.0 Risk management considerations:**

11.1 None.

**12.0 Equalities considerations:**

12.1 None.

**13.0 Sustainability, climate change and environmental considerations:**

13.1 None.

**14.0 Internal/ External Consultation undertaken:**

14.1 None.

**15.0 Background papers:**

15.1 None.