

Report to:	PLANNING COMMITTEE
Relevant Officer:	Susan Parker, Head of Development Management
Date of Meeting:	5 September 2023

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.

3.2a 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

4.0 Other alternative options to be considered:

4.1 None, the report is for information only.

5.0 Council Priority:

4.1 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 22/0973 – 188 Promenade, Blackpool, FY1 1RJ - Display of 1 LED advertisement hoarding to the north elevation of 188 Promenade.

An appeal has been lodged by ARM Capital against the Council's refusal of Advertisement Consent.

6.2 23/0011 – Land in front of 252 Cherry Tree Road, Blackpool, FY4 4PT - Installation of 15m high monopole with 3no cabinets and associated works.

An appeal has been lodged by CK Hutchison Networks (UK) Ltd against the Council's refusal of Telecommunications Prior Approval.

7.0 Planning/Enforcement Appeals Determined

7.1 22/0612 – 12 Springfield Road, Blackpool - Retention of an automated teller machine.

Appeal Dismissed

The Inspector agreed that the main issues were the effect of the development on the character and appearance of the property and whether the development preserves or enhances the Town Centre Conservation Area together with whether or not the development would increase the risk of crime and the fear of crime.

The Inspector stated that even if the ATM was placed through brickwork on the building rather than a glazed window, it, together with the associated dark laminate panel surround draws the eye to the blank and featureless shop front. This conflicts with Policy DM22 which requires ATMs that are placed within a shop window to be surrounded by clear glazing rather than a solid panel. The ATM exacerbates the discordant appearance of the overall shopfront in the traditional historic context of the street scene. Consequently, it does not make a positive contribution to local distinctiveness or sense of place. In finding harm, the Inspector considered the ATM has a negative effect on the significance of the Town Centre Conservation Area as a whole.

In terms of crime notwithstanding the identified deprivation within the area, the location of the ATM and the proposed security that could be provided, it does not appear to be inherently unsuitable in terms of increasing the risk of crime or the fear of increasing the risk of crime. The Inspector stated that the ATM would not increase the risk of crime or the fear crime in this area.

7.2 21/0037 31 Stockydale Road - Erection of a part single storey, part two storey side extension, single storey rear extension and extension to existing decking to rear.

Appeal Dismissed

The inspector agreed the main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area.

The Inspector stated that the proposal would represent a sizeable addition to the appeal property. While it would be constructed from materials in keeping with the wider site, by virtue of its added bulk it would nevertheless significantly alter the character of the dwelling, resulting in an unduly imposing property clearly visible from Stockydale Road. It would sit flush with the front elevation of the dwelling, failing to read as a subservient addition, instead overwhelming the proportions of the property and creating a dominant expanse of built form at the site.

They continued that the introduction of the proposal, with the additional bulk and resulting front elevation with a range of fenestration and front projecting garage, would visually compete with the original dwelling bay window features. It would create a busy, contrived and imbalanced façade that would overall detract from the contribution of the bay windows to the character of the site.

The Inspector found that the proposal would cause undue visual harm to the appeal property, appearing as an incongruous addition at the site and readily experienced as such from Stockydale Road.

7.3 22/0054 - Former Baguleys Garden Centre – Erection of 5 detached bungalows for people over the age of 55, with associated garages, landscaping and utilizing existing access from Midgeland Road (via Birchwood Gardens)

Appeal allowed.

The inspector found that the proposals would conflict with Policy CS26 as it proposes housing on Marton Moss which do not meet any of the exemption requirements referred to in the previous paragraph 55 (now paragraph 80) of the National Planning Policy Framework (NPPF). However, the impacts on the semi-rural character and appearance of the area would be limited, with the overall site's contribution to the character already having been tempered by the new bungalow housing development at Birchwood Gardens. As such the conflict with Policy CS26 was afforded only moderate weight.

The proposal would accord with the emerging Marton Moss Neighbourhood Plan (MMNP) and given the advanced stage of the preparation, lack of unresolved objections relevant to the appeal proposals and consistent with the Framework the

MMNP was considered to be able to be afforded significant weight in the determination of the appeal. It was acknowledged that the proposals would also deliver housing for an identified need.

The above material considerations were deemed to outweigh the harm identified and caused the Inspector to determine the appeal otherwise than in accordance with the Development Plan.

7.4 22/0887 – 112A Neville Avenue - Erection of front and side boundary fencing up to 1.8m high

Appeal Dismissed

The Inspector agreed that the main issues are the character and appearance of the area and highway safety.

She stated that by virtue of the prominent roadside location, the driveways and open frontages to either side, and the consistent set back of buildings from the street, the proposal would be readily visible in its entirety in the street scene. The length, height, design and siting of the fencing would be out of character with the open frontage treatments in the area. It would be a dominant and visually obtrusive feature that would not be integrated and it would be poorly-related to its surroundings. It would fail to make a positive contribution to local character and distinctiveness and it would be detrimental to visual amenity.

She continued that the proposed tall solid fencing would be immediately adjacent to the driveways to either side and it would be sited at the edge of the footway. As a result, there would be restricted visibility between drivers of vehicles emerging from either driveway or users of the footway passing alongside the fence. The proposal would be likely to result in conflict between vehicles and pedestrians, including more vulnerable road users such as children and those with impaired mobility. The failure to create a safe place that prioritises pedestrians and that minimises the scope for conflict between road users would be detrimental to highway safety.

7.5 22/0834 – St Michaels Vicarage, Calvert Place - Display non illuminated free standing sign

Appeal Allowed

The Inspector agreed that the main issue is the effect of the proposed advertisement on the amenity of the area.

They acknowledged that the appeal site is of a more typical residential appearance, however, the use as a vicarage is different to that of a typical dwelling, in that it plays

a role in the local community. They stated that in terms of visual amenity, the advertisement would be visible in the surrounding area. However, it would be viewed against the mature planting which is located in the garden and along its boundary with Dinmore Avenue. Furthermore, the advertisement would be sited directly behind a small fence which has the street name sign directly in front of it.

The Inspector stated that the advertisement would therefore be visible and accessible to passers-by. However, as it would be non-illuminated and in the context it would not cause harm to the visual amenity of the area.

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

7.7 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 and the impact of this decision for our children and young people:

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.