

Report to:

PLANNING COMMITTEE

Relevant Officer:

Susan Parker, Head of Development Management

Date of Meeting:

25 July 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.

3.2 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:

3.4 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 22/0221 – 147 Newton Drive – appeal against the refusal of pruning of Trees (T56 - T67, T90 - T93, T101x, T114 and T115) within the Borough of Blackpool (145/147 Newton Drive) Tree Preservation Order (No.16) 1979.
- 6.1.2 22/0775 – 111 Holmfield Road, Blackpool, FY2 9RS – appeal against the refusal of planning permission for use of premises for 4.no self-contained holiday flats.
- 6.1.3 22/0783 – 1 The Croft, Blackpool, FY5 3JL – appeal against the refusal of planning permission for the erection of a two-storey side extension and single-storey rear extension.
- 6.1.4 22/0887 – 112A Neville Avenue, Blackpool, FY5 3RF – appeal against the refusal of planning permission for the erection of front and side boundary fencing up to 1.8m high.
- 6.1.5 23/0011 – Land to front of 252 Cherry Tree Road, Blackpool, FY4 4PT – appeal against the refusal of prior approval for the installation of a 15m high monopole with 3no. cabinets and associated works.
- 6.1.6 23/0094 – 236 Queens Promenade, Blackpool, FY2 9HA – appeal against the refusal of planning permission for the installation of first floor glass balcony to front, application of render to rear wall and garage, formation of parking to front and alterations to front garden wall to create additional access.
- 6.1.7 23/0205 – Pavement outside 53 Topping Street, Blackpool, FY1 3AF – appeal against the refusal of planning permission for the installation of one telephone kiosk.
- 6.1.8 23/0206 – Pavement outside 53 Topping Street, Blackpool, FY1 3AF – appeal against the refusal of advertisement consent for the display of one internally illuminated digital advertisement within the telephone kiosk.

7.0 Planning/Enforcement Appeals Determined

- 7.1 21/0234 – Land Adjacent to Central Pier, Promenade, Blackpool, FY1 5BB – Retention of single storey building, canopy, decking, and boundary treatment and use of premises as a bar and external seating area.

Appeal Dismissed

The Inspector found that despite the conclusions of the submitted Flood Risk Assessment the proposal is a type which should be subject to the sequential test and there did not appear to be any reason to limit the assessment of flood risk to the Town Centre or edge of centre sites. As such the application did not satisfactorily demonstrate there would be no other suitable alternative sites available at a lesser risk of flooding.

The Inspector found that the proposals would have a detrimental impact on the significance of Central Pier by failing to preserve its setting and would have an adverse impact on the character and appearance of the area. This is because the bar and associated structures would contrast with

the open and clear nature of the area and obscure seafront and coastline views, including cluttering and obscuring views towards both parts of the pier. The Inspector also highlighted the wording of DM10 which specifically precludes the type of development proposed west of the tram tracks.

The Inspector found that the proposals would not conflict with Policies CS1 or CS4 of the local plan given its proximity to the Town Centre and the limited likelihood of more centrally located sites being available.

The Inspector set out that they considered that there would be significant harm caused in terms of flood risk and the setting of central pier and character and appearance even if the proposals were granted permission on a temporary basis.

7.2 22/0827 – 11 Sandhills Avenue – Erection of single storey rear extension and outside office/store.

Appeal Dismissed

The Inspector agreed that the main issue is the effect of the development (which has already been erected) on the adjacent property with specific focus on the living conditions of that property.

He stated that the proposal has resulted in a substantial block of development with an overall height that is be a considerable margin above the height of the boundary fence. The neighbouring property has rear windows that serve a sitting room at ground floor level next to the boundary and because of the height and projection of the extension, the proposal would unacceptably dominate the outlook from the rear facing windows nearest to the joint boundary. The increased scale of built development immediately along the party boundary will exacerbate the overshadowing endured. Moreover, its visual presence will be significantly heightened in comparison to the previous boundary arrangement.

Further, the rear extension is overbearing on the neighbouring garden, it would dominate the limited private garden area and affect the outlook from a small summerhouse in the opposite corner of the garden, and as such, would be detrimental to the living conditions of the residential occupiers of No. 9 when using their garden. The extension is orientated in a manner which means that the rear of No.9 would be overshadowed at the rear toward the end of the day, when people would expect to use their private amenity space. Overall, there is a considerable amount of built development on the party boundary.

The Inspector found that consequently, the changes resulting from this rear extension have tipped the balance of acceptability by being unduly overbearing, reducing existing levels of outlook and increasing existing levels of overshadowing. In combination, these adverse impacts represent an unacceptable level of harm to the reasonable enjoyment of both internal and external areas of No.9 Sandhills Avenue.

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

7.4 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.