

**Report to:**

**PLANNING COMMITTEE**

**Relevant Officer:**

Susan Parker, Head of Development Management

**Date of Meeting:**

11 December 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:**

4.1 None, the report is for information only.

### **5.0 Council Priority:**

5.1 The relevant Council priorities are;

- 'The Economy: maximising growth and opportunity across Blackpool'
- 'Communities: creating stronger communities and increasing resilience'.

## 6.0 Planning Appeals Lodged

- 6.1.1 23/8124 – 309 St Annes Road, Blackpool, FY4 2EE - The material change of use of 309 St. Annes Road from a single private dwelling-house to a self-contained holiday let, without planning permission.

An appeal has been lodged by Mrs L Kirkland-Smith against an Enforcement Notice served by Blackpool Council on 20 September 2023.

- 6.1.2 22/8409 – 18 Watson Road, Blackpool, FY4 1EG - The material change of use of 18 Watson Road from a single private dwelling-house to a self-contained holiday let, without planning permission.

An appeal has been lodged by S and C Housing Limited against an Enforcement Notice served by Blackpool Council on 11 October 2023.

- 6.1.3 22/0775 – 111 Holmfield Road, Blackpool, FY2 9RS -Use of premises for 4.no self-contained holiday flats.

An appeal has been lodged by Coastal Breaks Limited against the Council's refusal of Planning Permission.

- 6.1.4 23/0001 – 97 Lytham Road, Blackpool, FY1 6DT - External alterations to include new ground floor frontage and access alterations and flexible use of premises as altered as 2 self-contained permanent residential flats (C3) or holiday lets (Sui Generis)

An appeal has been lodged by Seaside Hoteliers Limited against the Council's refusal of Planning Permission.

- 6.1.5 23/0079 – 286-292 Lytham Road, Blackpool, FY1 6EY - Erection of a single storey rear extension to form ancillary store.

An appeal has been lodged by Mr S Mansoor against the Council's refusal of Planning Permission.

- 6.1.6 23/0550 – 56 Maplewood Drive, Blackpool, FY5 1PW - Erection of carport to side elevation with balcony above.

An appeal has been lodged by Ms J Lamb against the Council's refusal of Planning Permission.

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

### **7.1 23/0320 – 8 Gregson Close, Blackpool - Erection of conservatory to rear of existing single storey rear extension. (Retrospective application)**

Appeal Dismissed

The Inspector agreed that the main issues were whether the conservatory was harmful to the living conditions of the adjoining occupiers at 34 Lowfield Road and the effect of the development on the character and appearance of the host property.

The conservatory had already been erected. The Inspector thought that even though the conservatory extended behind the earlier rear extension, it was visibly distinct from it. Except for the solid base, it was entirely glazed to the roof and sides. Its reasonably lightweight appearance made it less visually dominant as a result. The matching red brickwork was also sufficiently in keeping with what had been built before so that it did not appear discordant.

The Inspector noted that as a result of the proximity of the appeal scheme to the rear boundary, there was a close and unrestricted view from the conservatory on the appeal site into the ground floor windows of the neighboring property to the rear. As a result, the effect was overbearing on the living conditions of the neighboring occupiers, concluding that the conservatory was harmful to the living conditions of the neighboring residential occupiers at 34 Lowfield Road, with particular regard to overlooking, loss of privacy and its overbearing effect.

### **7.2 23/0011 – Land in front of 252 Cherry Tree Road, Blackpool - Installation of 15m high monopole with 3no cabinets and associated works.**

Appeal Dismissed

The Inspector agreed that the main issues were the effect of the siting and appearance of the proposed installation on (i) the character and appearance of the area; and (ii) if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

The Inspector noted that the proposed mast would be situated in the vicinity of other street furniture items, such as lamp posts and is a structure that is commonly found in urban areas. At 15m high, it would however be significantly taller than other items of street furniture as well as nearby buildings and twice the height of the nearest trees. The mast would be clearly visible along Cherry Tree Road and Whalley Lane. The inspector stated that despite the slim line design of the mast and the opportunity to select a colour, it would appear as a prominent, discordant addition from public vantage points as well as from a number of windows of the nearby residential

properties. Concluding that the siting and appearance of the proposed installation would result in significant harm to the character and appearance of the area.

The proposed mast would provide 5G coverage in and around Cherry Tree Road. The benefits of the proposal have been set out by the appellant, including supporting home working, businesses and socialising. Reference has also been made to a letter that sets out the importance of digital connectivity. The Inspector appreciated the need for this installation to provide new 5G mobile coverage to the local predominantly residential area. It would bring a modern, high-speed communications service and this weighs in favour of the appeal. The proposal would, however, for the reasons set out above, be harmful to the character and appearance of the area. The Inspector was not convinced that less harmful alternatives have been properly explored and they viewed that the need for the proposal does not in this case, outweigh the harm.

7.3 22/0973 – 188 Promenade, Blackpool - Display of 1 LED advertisement hoarding to the north elevation of 188 Promenade.

Appeal Dismissed

The Inspector agreed the main issue is the effect of the proposed advertisement on amenity, having regard to the settings of the Grade I listed Blackpool Tower, and the adjacent Town Centre Conservation Area.

The advertisement screen would be highly visible in this location and, therefore, would form part of the setting of the listed Tower and the Town Centre Conservation Area. Because the sign will be illuminated it would detract from the Tower's status as a landmark building and particularly when the Tower itself is illuminated, having seen the Tower in daylight and illuminated at night. The Inspector considered that the prominent illuminated sign would significantly conflict visually with the clear intended dominance of the Tower. He stated that the proposed advertisement would weaken the existing townscape created by the Tower and would detract from the significance of this nationally recognised landmark which dominates Blackpool's skyline and is the focus of the leisure industry and the historic environment in Blackpool, being seen from across the Fylde Coast.

He agreed with the Council that the introduction of a large digital advertisement with a significant presence in the street scene that would appear obtrusive and at odds with the character of the area and would have a negative impact on the setting of the Town Centre Conservation Area, the locally listed Metropole Hotel and would be harmful to visual amenity in general.

He also shared the Council's concerns about the effect that the proposed advertisement would have on residential amenity in this particular location. The

position and size of the proposed advertisement means that it would not only be highly visible from the highway and the Town Centre Conservation Area but also from these residential properties on the other side of the car park. There would only be approximately 45m between the habitable room windows and the screen. He considered that the screen would be far too close to these windows and that it would be seriously detrimental to the outlook of many residents.

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

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 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.