The Planning Inspectorate

Appeal Decision

Site visit made on 15 November 2016

by Daniel Hartley MTP MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 November 2016

Appeal Ref: APP/J2373/W/16/3155956
26-28 Red Bank Road, Blackpool FY2 9HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs S Clayton against the decision of Blackpool Borough Council.
- The application Ref 15/0713, dated 20 October 2015, was refused by notice dated 11 February 2016.
- The development proposed is the installation of a new shop front, erection of a single storey rear extension to and use of the ground floor rear as 1 self contained permanent flat at 26 Red Bank Road.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of development as it appears on the Council's refusal notice and not the appellant's planning application form as it more accurately describes all of the proposed development. The appellant agreed to this description of development by email on 27 October 2015. I have also taken the appeal site address from the Council's refusal notice, and not the planning application form, as this more accurately relates to the red edged planning application site.

Main Issues

3. The main issues are (i) the effect of the proposal upon the living conditions of the occupiers of the proposed flat in respect of light, privacy, refuse storage and outside amenity space; (ii) the effect of the proposal upon the viability of No 26 Red Bank Road and the District Centre owing to the loss of storage, staff facilities space and rear access for refuse storage and hence whether or not an undesirable precedent would be set; (iii) the effect of the proposed shop front alterations upon the character and appearance of the area and (iv) whether or not the proposal would lead to an overconcentration of flat accommodation in Blackpool and hence whether or not an undesirable precedent would be set.

Reasons

Site and proposal

4. The appeal site relates to Nos 26-28 Red Bank Road which are mid-terraced commercial properties falling within Bispham District Centre. The application form states that the No 26 Red Bank Road is being used as an animal sanctuary, although on my site visit I did not see any evidence of this. The appeal site appears to comprise a barbers shop / retail unit at No 26 and a tattoo parlour at No 28. The Council state that the latter use is unauthorised. There are open forecourts to the front of the property. To the rear there is an external staircase which gives access to the upper floors of No 26 and there is a flat above No 28 which is accessed from the back street.

5. It is proposed to erect a flat roofed extension to the rear of No 26. This extension, as well as the rear ground floor of No 26 (currently retail space and including a staff kitchen and WC), would be used as a one bedroom flat with an en-suite, WC and lounge/kitchen. As consequence of the proposed changes No 26 would have a retail floorspace of about 42 square metres (a WC is also proposed) and No 28 would have a retail floorspace of 27 square metres plus 14 square metres of storage to the rear (a WC is also proposed). In addition, it is also proposed to remove the existing shop front at No 26 and replace it with a new shop front (upvc) to match the existing shop front at No 28. The Council has stated that the latter shop front does not have the benefit of planning permission.

Living conditions

6. Whilst there would be two relatively large windows serving the proposed lounge/kitchen area of the proposed flat, they would be in very close proximity to the external staircase which gives access to the upper floors. I consider that owing to the close proximity and scale of the external staircase to the kitchen/lounge windows it would create a very oppressive and dark environment for the occupiers of the proposed flat. I acknowledge that it would likely be possible to deal with some of the overlooking issues by means of some sort of screening to the external staircase. However, this may have the effect of reducing light penetration even further. I do not have enough information before me to fully assess whether or not a screen would be acceptable from an outlook and light point of view. As this strikes at the heart of the acceptability of the residential proposal, I do not consider that it would be appropriate to deal with this matter by way of a planning condition.

7. I have no reason to disagree with the Council that the proposed flat is acceptable in terms of internal space standards. Whilst the proposed rear extension would take up some of the rear yard area of No 26, there would nonetheless be some open space in which the occupiers of the flat could sit and also where bins/bicycles could be stored. Whilst the proposal does not include a specific area for the storage of bins, and collection details are scarce, I consider that this is a matter that could be addressed by means of the imposition of a planning condition. Such a condition could also reasonably include details of boundary treatments to ensure that the occupiers of the proposed flat have private amenity space.

8. On balance, I am satisfied that the outside amenity space would be acceptable (including the potential for the storage of waste) and therefore I do not

consider that this aspect of the proposal would be in conflict with the amenity aims of the Council's New Homes from Old Places "Residential Conversion and Sub Division" Supplementary Planning Document 2011 (SPD). However, I conclude that the proposed flat would not be acceptable in so far that its juxtaposition with the external staircase would be such that it would have a significantly adverse impact upon light and privacy for the occupiers of the proposed flat. In this respect, the proposal would not accord with the amenity aims of Policies LQ1, LQ14, HN5, BH3 and BH13 of the LP; Policies CS7, CS12 and CS13 of the CS and the National Planning Policy Framework (the Framework).

Retail viability

9. The proposal would include the loss of retail floorspace to the rear of No 26. The resultant shop would be smaller than the existing and would include a WC accessed from within the shop. The Council question whether or not the shop would be viable without ancillary storage and a staffing area and with a WC accessed from within the shop. The appellant has stated that the existing shops are too large to be viable in this location and that the proposed shop at No 26 would be viable.

10. Whilst a WC accessed from within the shop would be unusual, I do not consider that this in itself would make the proposal unviable or that it would cause harm to the viability of the District Centre. On balance, and notwithstanding my views relating to the WC, I do consider that the lack of ancillary storage space, staff facilities and the loss of rear access for refuse storage and collection purposes, would make the proposed shop less attractive for those wishing to occupy the unit for retail purposes (either now or in future years). Hence, these are matters which would render use of the proposed retail space a less viable proposition. In this regard, I therefore consider that some harm would be caused to the viability of the District Centre.

11. For the above reason, I conclude that the proposal would not support the role and function of a viable District Centre and hence the proposal would not accord with the retail vitality and viability aims of saved Policy BH13 of the LP; Policy CS4 of the CS and the Framework. I do not consider that Policy LQ1 is particularly relevant to this issue as it essentially relates to design. Given my conclusion on this issue, it has not been necessary for me to consider the Council's comments about precedent.

Character and appearance

12. The existing shop front at No 26 is more traditional in appearance (including slim-line timber window frames, timber stall risers and a recessed entrance porch) when compared to the shop front at No 28 which has upvc window frames and an entrance door and no recessed features. The Council state that the latter does not have the benefit of planning permission, although I do not have any information relating to how long such a shop front has been in situ. In any event, I have determined the appeal on the basis that the appellant would like the shop front at No 26 to match that at No 28.

13. I have considered the proposal in the context of the wider area. Whilst there are some exceptions, the vast majority of the shop fronts either have shop fascia's which are not as deep, have recessed entrance areas and/or have timber window frames and doors. Overall, I consider that this part of the

District Centre has retained a number of the more traditional shop front features and this adds positively to its distinctive character.

14. I accept that No 28 has been altered in the past (although the Council say that this did not receive planning permission) and that in appearance terms it is not as traditional as the shop front at No 26. Whilst matching this shop front would to some extent ensure that there is some regularity of design across the two retail units, I consider that it would be more appropriate restore the original shop front of No 26 and for alterations to be made to No 28. I am not aware of any reason why this could not be achieved: such alterations would ensure that as a whole the shop front design for Nos 26-28 reflected the more traditional appearance and proportions of the shop fronts that exist in other parts of the District Centre. I therefore conclude that owing to the materials, proportions and design of the proposed shop front alterations, unacceptable harm would be caused to the character and appearance of the area. Therefore, the proposal would not accord with the design aims of saved Policies LQ1, LQ11 and LQ4 of the LP; Policy CS7 of the CS and the Framework.

Overconcentration of flat accommodation

15. The Council contend that the proposal does not accord with the Council's priority for the area which is to address housing imbalance *"reducing the number of one bedroom flats and providing good quality family housing"*. In addition, the Council state that Blackpool is the 4th most deprived area in England and that *"areas which have a lot of one bedroom flats tend to have high incidences of crime and anti-social behaviour and this combination of factors have undermined the health and character of these neighbourhoods".*

16. I do not doubt that Blackpool has areas of high deprivation, but saved Policy HN5 of the Blackpool Local Plan 2006 (LP) states that in defined inner areas *"proposals for conversion or sub division for residential use will not be permitted which would further intensify existing overconcentrations of flat accommodation and conflict with wider efforts for the comprehensive improvement of the neighbourhood as a balanced and healthy community".* Policy BH1 of the LP defines the inner area neighbourhoods as Central Drive, St Heliers and Claremont. As the proposal does not fall within any of these areas, I do not consider that the proposal would conflict with Policies HN5 and BH1 of the LP.

17. I acknowledged that Policy CS13 of the Blackpool Local Plan – Part 2 Core Strategy 2016 (CS) states that on all sites flats will not be permitted where there is an overconcentration of flats, but on the evidence before me I do not know if such an overconcentration exists in respect of the appeal neighbourhood. In any event, and notwithstanding the current position relating to the supply of flats in the neighbourhood, I do not consider that one flat would make a significant difference to the overall mix of residential units in the neighbourhood. In addition, I do not consider that the proposal would undermine the regeneration focus as expressed in Policy CS12 of the CS with its focus on inner areas (which in respect of this policy also includes North Beach, Foxhill and South Beach) and the outer estate priority neighbourhoods. This is because the appeal site does not fall within such areas.

18. For the above reasons, I do not find that there is any compelling evidence before me to demonstrate that there is an overconcentration of flats in the neighbourhood and, in any event, there is no conflict with Policies BH1 and HN5

of the LP and Policies CS12 and CS13 of the CS. Given these conclusions, I do not find conflict with the housing and community aims of the Framework. It has not been necessary for me to consider the Council's precedent concerns given my overall conclusions on this issue.

Conclusion

19. I do not find that I have any compelling evidence before me to demonstrate that the proposal would lead to an overconcentration of flats in the neighbourhood, or that in this regard the proposal would conflict with relevant development plan policies. Whilst outside amenity space would be acceptable, and some boundary treatment details and refuse storage/collection issues could be dealt with by planning condition, there would be unacceptable harm caused to the living conditions of the occupiers of the flat in respect of matters relating to light and privacy. In addition, the proposal would cause some harm to the viability of the District Centre and the shop front alterations would have a detrimental impact upon the character and appearance of the area. Collectively, these adverse matters are of overriding concern. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR