

Appeal Decision

Site visit made on 25 October 2016

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 22 November 2016

Appeal Ref: APP/J2373/W/16/3153766
4 St Stephen's Avenue, Blackpool, FY2 9RG

- 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 Belsfield Care against the decision of Blackpool Borough Council.
 - The application Ref 15/0227, dated 15 April 2015, was refused by notice dated 12 January 2016.
 - The development proposed is the erection of a roof lift to existing rear extension to provide 5 additional bedrooms and a lounge and provision of 3 additional car parking spaces to the rear following removal of existing storage building.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appellant has confirmed that while the application was with the Council for consideration, the description of the proposed development was changed to that shown in the summary information above from that given on the planning application form: *first floor rear extension to provide 5 additional bedrooms and lounge with 3 car park spaces at rear*. I have taken this into account.
3. The proposed first floor plan, shown on application drawing no. 2200.10, shows that a new window would be inserted into the eastern elevation of the existing property to serve a bedroom. At the site visit the appellant's agent acknowledged that that new window has been omitted from the drawing of the proposed eastern elevation shown on drawing no. 2200.11. I have considered the proposal on the basis that it would include the provision of that new window.

Main Issues

4. I consider that the main issues in this case are the effect of the proposal on: the living conditions of occupants of neighbouring properties, with regard to privacy and outlook; and, on the living conditions of future residents of the appeal site, with particular reference to outdoor amenity space.

Reasons

5. No. 4 St Stephen's Avenue and No. 4 Carlin Gate are detached care homes run by the appellant, which have a common rear boundary. The appeal property
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shares its eastern side boundary with No. 6 St Stephen's Avenue, which is part of semi-detached pair of houses, the other house within the pair being No. 8.

6. In 2011 the Council granted planning permission, Ref. 10/1309, for development described as the '*erection of a 3-storey side extension, first floor rear extension and alterations to main roof to create mansard roof with a gable to the front elevation, dormer windows to the front, sides and rear. Extensions would form 32 en-suite bedrooms at the existing care home*'. The appellant has indicated that that planning permission has been implemented only in part, a matter not disputed by the Council, and it is its intention to implement it in full in due course. I have taken the full scope of this extant planning permission into account.

The effect on the living conditions of neighbouring residents

7. The appeal property comprises 3-storey and 2-storey elements to the front of the site and an adjoining single-storey annexe to the rear, which extends to within a short distance of the southern boundary of the site. The eastern building line of the rear annexe, which is irregular, runs either alongside or within relatively short distances of the side boundary shared with No. 6. The existing appeal property contains 2 windows at first floor level from which parts of the sections of the back gardens of Nos. 6 and 8 closest to their rear elevations can be seen. Extant planning permission Ref. 10/1309, if fully implemented, would add 2 more windows at second floor level, although views from one of those of the neighbouring gardens would be oblique. I consider that the potential for overlooking of Nos. 6 and 8 from No. 4 Carlin Gate is satisfactorily limited by the distances involved.
8. The proposal includes the lifting of the roof of the rear annexe of the appeal property to facilitate the provision of accommodation in the roof space and some associated modifications to the main building. The proposal would include the provision of 3 new bedroom windows and a lounge window at first floor level, which I consider would provide relatively direct views towards the areas of the back gardens of Nos. 6 and 8 closest to their rear elevations. In my judgement, it would significantly increase the potential for overlooking those parts of the back gardens of those neighbouring properties closest to their rear elevations, which are often the most private in urban housing situations and so are of particular value to residents. The proposal would be likely to have a significant detrimental effect on the privacy of the occupants of those neighbouring dwellings.
9. Whilst the appellant has suggested that if necessary the new windows I have identified could be amended to prevent overlooking and this could be controlled by condition, no revised details have been provided. I am not convinced the harm that I have identified could be satisfactorily mitigated through the imposition of reasonable conditions. In each case, each new window is the only window serving a habitable room and any restriction on the outlook from them would be likely to unacceptably harm the living conditions of residents using those rooms. Providing roof lights in place of the 3 proposed dormer windows would not necessarily reduce the potential for overlooking. I give the appellant's suggestion little weight.
10. The southern building line of the single storey rear annexe of the appeal property is broadly similar to the alignment of the rear boundary of the back garden of No. 6. I consider that the sense of openness enjoyed by the

residents of No. 6 when using their rear garden is likely to be due in no small part to views to the west above the roof of that existing annexe. Openness is limited by the 3-storey elements of the appeal property and No. 4 Carlin Gate. The proposal would noticeably increase the height of the roof of the rear annexe. As a result of its increased height, relatively close proximity to the side boundary shared with No. 6 and its rearward projection, the extended annexe would significantly reduce the sense of space enjoyed by residents of No. 6 when using their back garden. The proposed extension would appear overdominant and unneighbourly when seen from No. 6.

11. I conclude that the proposal would cause unacceptable harm to the living conditions of the occupants of neighbouring dwellings, with particular reference to privacy and outlook. This impact, resulting from the proposed intensification of use, would conflict with Policy BH3 of the *Blackpool Local Plan 2001/2016* (LP) and Policy CS7 of the *Blackpool Local Plan-Part 1: Core Strategy (2012-2027)* (CS). It would conflict with the aims of the *National Planning Policy Framework* (the Framework), which include that planning should always seek to secure a good standard of amenity for all existing and future occupants of land. This weighs heavily against the scheme.
12. It is acknowledged that some social and economic benefits would be likely to be associated with the proposal in terms of a small increase in the residential capacity of the care home, for which the appellant has identified a need, and an increase in employees to support the additional residents. In these respects it would gain some support from the Framework, which gives encouragement to the provision of services to meet local needs and economic development. However, in my view, these limited benefits would be significantly and demonstrably outweighed by the harm that the proposal would cause to the living conditions of neighbouring residents.

The effect on existing and future residents of the appeal site

13. I saw that external amenity space within the appeal site is limited, with the largest area, which contains some seating, located in the southwestern corner of the site between the main building and a small outbuilding. As part of the proposed works the outbuilding would be removed and its former footprint as well as much of the adjacent amenity space would be used for car parking.
14. I am aware that the appellant has made a separate planning application for the use parts of the back gardens of Nos. 6 and 8 Carlin Gate as external amenity space to serve the appeal property and its facility at No. 4 Carlin Gate. However, planning permission has been refused by the Council and the scheme is the subject of a separate appeal. There is no guarantee that the appeal would be allowed. I give the appellant's aspirations in that respect little weight. In its Supporting Statement, submitted in support of the planning application, the appellant has confirmed that the appeal scheme is not functionally linked to that other application and that each should be considered on its own merits. This reinforces my view.
15. I give little weight to the Council's concern that the bedrooms within the proposed extension, which it describes as *small single bedrooms with no en-suite facilities*, would not provide a good standard of amenity. The proposed bedrooms would be comparable in size, if not larger, than bedrooms previously approved by the Council (Ref. 10/1309) and they would each have an en-suite

toilet. It appears to me that they would be acceptable in terms of design and amenity.

16. Nevertheless, I consider the loss of private external amenity space that would result from the proposal would be likely to have a significant detrimental effect on the living conditions of existing and future residents of the appeal site. Overall, the proposal would result in a poor quality environment, contrary to the aims of LP Policies LQ1 and LQ14 and CS Policy CS7 as well as the aims of the Framework.

Other matters

17. Whilst the Council cites LP Policy BH24 in its reasons for refusal, in its appeal statement it acknowledges that that Policy relates to new uses. Given the appeal scheme comprises an extension of an existing use, it appears to me that this Policy is of little relevance in this particular case. The public vantage points from which the proposed extension would be visible would be limited to a back lane that runs alongside the western boundaries of the appeal property and No. 4 Carlin Gate. Features of the proposed extension visible from there would include its hipped roof punctuated by dormer windows, built forms that are not uncommon hereabouts. In this context, I consider that the scheme would be unlikely to harm the character or appearance of either the appeal property or the surrounding area as seen from public vantage points and in this respect it would not conflict with LP Policy LQ2.

Conclusions

18. Having had regard to the likely economic, social and environmental impacts of the scheme, I consider that any associated benefits would be outweighed by the harm that it would cause to the living conditions of neighbouring residents and it would not amount to sustainable development under the terms of the Framework. This is a compelling reason why the appeal should be dismissed. The likely impact of the scheme on the living conditions of existing and future residents of the appeal site adds further weight to that finding. Furthermore, on balance it would conflict with the Development Plan taken as a whole and other material considerations do not indicate that a contrary decision would be justified in this case.
19. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR