

Appeal Decision

Site visit made on 28 March 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 11 May 2017

Appeal Ref: APP/U2370/W/16/3158985

42 Adelaide Street, Fleetwood, Lancashire FY7 6AB

- 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 Mr Barry Blythe against the decision of Wyre Borough Council.
 - The application Ref 16/00279/FUL, dated 16 March 2016, was refused by notice dated 28 June 2016.
 - The development is described as change of use from shop into 4 apartments.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The name of the appellant in the heading above differs from the name of the applicant on the planning application form. The applicant was stated to be Mr Mark Hatcher whereas the name of the appellant was stated to be Mr Barry Blythe on the appeal form. Written permission has been received from Mr Hatcher for Mr Blythe to submit the appeal on his behalf and I have determined the appeal accordingly.
 3. The description of development in the heading above has been taken from the planning application form. However the proposal was amended prior to the application being determined by the Council with part of the ground floor proposed to be retained as retail and the number of apartments proposed reduced to three. In reaching my decision I have assessed the development as shown on the amended plans determined by the Council.
 4. At the time of my visit a number of alterations had taken place to the ground floor of the rear elevation of the building with original door openings having been replaced by windows. In addition internal alterations had taken place to the roof at first floor level and these appeared to be in order to facilitate the insertion of rooflights.
 5. Whilst the alterations carried out to the rear elevation appeared to be broadly in accordance with the plans determined by the Council, as I cannot be certain that the development on site is fully in accordance with the plans and as no rooflights are shown on the plans, in reaching my decision I have assessed the development as shown on the plans determined by the Council.
-

Main Issue

6. The main issue is whether the living conditions of future occupiers of the apartments would be adequate having regard to outlook, light and noise and disturbance.

Reasons

7. The appeal site comprises a vacant two storey building located centrally within a town centre parade of other two storey buildings most of which contain commercial uses at ground floor. The appeal site was previously in use as a shop and is positioned between a cafe and a social club, both of which appear to be licenced premises. Part of the side elevation of the appeal building is positioned very close to the side elevation of the cafe building with the rear elevation backing onto a narrow road and garage building at the rear. A large extractor unit and associated ducting is positioned on the side elevation of the cafe building close to a number of ground and first floor windows on the side elevation of the appeal building.
8. Three of the first floor bedrooms would be wholly internal and would have no windows or direct access to daylight or sunlight. Though the appellant suggests that the proposal was to provide skylights to allow natural light into these rooms, no skylights are shown on the plans determined by the Council. In the absence of any outlook or direct source of daylight or sunlight to these bedrooms, future occupiers of the first floor apartments would not have adequate living conditions.
9. The side facing ground and first floor windows serving the apartments would face onto the side wall of the cafe and would be very close to the existing extractor unit and ducting. At the time of my visit noise from the extractor unit was audible from within the appeal building with the side windows closed. The side windows would serve open plan lounge/kitchen/dining rooms at ground and first floor. The other side wall of the appeal building adjoins the existing social club and a number of bedrooms and two open plan lounge/kitchen/dining rooms would be adjacent to this side wall.
10. Following concerns raised by the Council's Environmental Health department a Noise Impact Assessment (NIA) was submitted with the application. Though I have had regard to the NIA, I note that no noise measurements have been carried out and I share the Council's concerns that the NIA does not appear to be wholly accurate as it states that the extractor unit at the cafe has no running motor and is no longer in use. This was clearly not the case at the time of my visit.
11. In addition it appears that contrary to what is stated in the NIA, the adjacent social club has a licence to operate until late into the evening and that this includes the playing of live music, discos, recorded music, parties, functions and other events within ground and first floor function rooms. The NIA also fails to address any other noise sources associated with the adjacent uses and I also note the Council's concerns regarding a lack of evidence within the NIA regarding the effectiveness of the noise mitigation measures proposed.
12. Having regard to the close position of the proposed apartments relative to the cafe use, extractor fan and social club, and in the absence of a robust and comprehensive NIA and any other substantive evidence from the appellant

regarding noise, I consider it likely that future occupiers of the apartments would be subject to unacceptable levels of noise and disturbance. I consider that this matter could not be adequately overcome by a suitably worded condition.

13. In reaching my decision I note that it appears that planning permission has been granted by the Council for a residential use at 38 Adelaide Street and that no objections were raised by the Council's Environmental Health department to that proposal. I have been provided with copies of emails between the Council and a co-owner of the appeal site in which a planning officer from the Council outlines the differences between the proposal at No 38 and the development at the appeal site. It appears that the two sites are not directly comparable. In any event I must determine the development before me on its own merits.
14. Taking the above matters into consideration, I conclude that future occupiers of the apartments would not have adequate living conditions having regard to outlook, light and noise and disturbance. The development is therefore contrary to Policy SP14 of the Wyre Borough Local Plan and to relevant paragraphs of the National Planning Policy Framework. These policies seek, amongst other things, high standards of design and amenity for all types of development and require that proposals should be compatible with adjacent existing land uses.

Other Matters

15. The site is located within the Fleetwood Conservation Area (CA) and a number of external alterations form part of the development. The Council raised no objections to the external alterations or to the impact of the development on the CA. I have no reason to disagree with the Council's findings on this issue and I am satisfied that the character and appearance of the CA would be preserved.

Conclusion

16. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR