



Appeal Decision

Site Visit made on 10 August 2021

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal Ref: APP/J2373/W/21/3273630

306 Queens Promenade, Blackpool FY2 9AD

- 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 T Chadwick against the decision of Blackpool Council.
 - The application Ref 20/0472, dated 11 August 2020, was refused by notice dated 29 October 2020.
 - The development proposed is described as the 'erection of two storey development of two apartments (Resubmission of application Ref: 19/0549)'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework was published in July 2021 (the Framework). Whilst the paragraph numbers have changed in regard to those relevant to the main issues of this case, the substance thereof remains the same as the 2019 iteration. I have sought comments from the main parties and taken any made into consideration.

Main Issues

3. The main issues are the effect of the proposed development on a) the living conditions of neighbouring occupiers at 306 and 308 Queens Promenade and 5 Leyburn Avenue with regard to light, outlook and amenity space provision, b) the character and appearance of the area; and c) highway safety.

Reasons

Living Conditions

4. The proposed two storey development would be positioned to the rear of 306 Queens Promenade facing Leyburn Avenue. No. 5 Leyburn Avenue is situated to the east, beyond an access road and has a number of windows facing the appeal site. There are some differences between the main parties on whether these are secondary windows to the rooms they serve. From the evidence before me, and based on my site observations, the bay window to the side of No 5, which is broadly centralised on this elevation and away from the front and rear elevations, is likely to be the only window serving this room.
5. It is common ground between the main parties that this bay window serves a bedroom. The appellant has cited the bedroom mainly being occupied in the hours of darkness and the subject window being dressed with net curtains.

Nevertheless, I consider the importance of this window to the occupiers of No 5 to be significant. Even taking the appellant's dimensions on the separation between buildings, the development would result in a two-storey building being situated a short distance away. Although the distance between the proposed apartments and No 5 may not breach any policy requirement, the close proximity would result in the development having a reducing effect on light within the room served by the bay window. It would also unacceptably dominate the outlook from it and have an overbearing impact as a result.

6. The proposal may result in the removal of existing trees and other vegetation that currently cause some overshadowing. However, the proposed building would extend across the majority of the depth of the site along the access road and have a greater impact than the existing trees. A number of Sun Path Diagrams have been provided, but these appear to illustrate overshadowing at one time of the day only during the morning. I appreciate that later in the day as the sun sets, the existing building at No. 306 casts a shadow. However, the appeal building would be sited closer to No 5 and the Sun Path Diagrams do not demonstrate as the appellant sets out, that there would be no unacceptable impact upon the living conditions of the occupiers of No 5.
7. The proposed building would span across most of the appeal site's boundary with No. 308 Queens Promenade and present a blank elevation to it. Despite this proximity to No 308's amenity area, given the large size of this neighbouring garden area, I consider that any overshadowing from the proposal would be over a relatively limited area and that this neighbouring occupants use of their garden would not be unduly affected by a loss of light or experience an overbearing impact as a result.
8. Although the proposal would result in the reduction of private outdoor amenity space associated with No 306, this existing substantially sized dwelling would retain a well screened private deck and patio area. This would be supplemented by other areas to the side and front. These areas are less private but would have views of the sea and provide a further space for use by the occupants of No 306. I therefore consider that the existing property would continue to have sufficient amenity space.
9. Nevertheless, the proposal would be harmful to the living conditions of neighbouring occupants of No. 5 Leyburn Avenue with regard to light and outlook. As such, it would conflict with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy (Adopted 2016) (Core Strategy) which seeks, amongst other matters, to ensure that amenities of nearby residents are not adversely affected. Reference was also made to Policy BH13 of the Blackpool Local Plan (Adopted 2006) (Local Plan), but this policy relates to district centre and uses appropriate to those locations and not living condition matters relating to residential development.

Character and Appearance

10. Despite the proximity of the appeal site to the sea front, Leyburn Avenue, as with other nearby roads off Queens Promenade is largely residential. It is characterised by a variety of closely spaced houses, both detached and semi-detached as well as two storey properties interspersed with bungalows. The variation continues in the roof type, fenestration and materials, although the regular building lines provide some consistency and order to the streetscene.

11. The proposal would result in a two-storey building being positioned adjacent to a single storey bungalow. However, there are a number of other examples of single storey buildings located adjacent to two storey properties on Leyburn Avenue. I was able to see the change in levels at the time of my visit but don't consider this to be pronounced and the development would, in terms of its scale, provide an appropriate transition between the larger building at No 306 and the bungalow at No 5.
12. The development would incorporate a number of details that differ from nearby buildings, including a front balcony, large quoins and main doors set in a recessed wing. It would also not have a two-storey bay, but not all buildings in the vicinity of the site have this feature and given the differing appearance of nearby properties, I consider the design of the building would be acceptable.
13. I therefore conclude that the proposed development would not be harmful to the character and appearance of the area. As such, it would not conflict with Policy CS7 of the Core Strategy or Policies LQ1 or LQ4 of the Local Plan, which seek, amongst other matters, development that is well designed in terms of scale, mass, height, layout, density, appearance, materials and relationship to adjoining buildings.

Highway Safety

14. The Council have stated that up to four car parking spaces should be provided for 2 no. two bedroom flats whereas the development only makes provision for two spaces. It is however accepted that the site is in an accessible location, close to the Promenade and its public transport connections. Although the Council have raised concerns that the site may not be within easy walking distance of community facilities, the appellant has set out a range of facilities and services within 1 mile of the site. In any event, given the good public transport connections, I consider that such facilities can be accessed by means other than a private car. I therefore consider the number of car parking spaces proposed to be at an acceptable level. The submitted plans do not show any cycle parking provision, but there is sufficient space within the site for this to be accommodated, and this matter could be controlled by condition.
15. The layout of the parking spaces has also been identified as a concern. One of the spaces would be adjacent to a brick wall, but as there is roughly a 6m distance over the site and the back street to access and egress, I do not consider the proximity of the brick wall would affect manoeuvring. Visibility would however be limited, but the back street only serves 4 dwellings and consequently, is lightly trafficked with vehicles travelling slowly. I do not therefore consider the layout of the spaces and the access to be harmful to highway safety. The telegraph pole that impedes access could also be re-positioned.
16. I therefore conclude that the proposal would not be harmful to highway safety. As such, there would not be conflict with Policy AS1 of the Local Plan, which seeks, amongst other matters, appropriate levels of car and cycle parking and safe and appropriate access to the road network.

Other Matters

17. I note the appeal scheme represents an amendment from an earlier withdrawn application. I can confirm that I have considered the appeal before me on its own merits.
18. The proposal would see the development of a derelict, brownfield site in an accessible location that would contribute to housing supply. The development would also support local construction jobs and shops and services. Whilst these matters weigh in favour of the proposal, they would not outweigh the harm in relation to the effect on the neighbour's living conditions to which I attach substantial weight.

Conclusion

19. I have found in the appellants' favour in relation to character and appearance and highway safety. These are however a lack of harm in each case which, by definition, cannot weigh against harm. In this case, this would be to the living conditions of neighbouring occupiers in the terms I have described. This would lead to conflict with the development plan. There are no other relevant material considerations, including the approach of the Framework, that indicate I should make a decision otherwise than in accordance with it. The appeal should therefore be dismissed.

F Rafiq

INSPECTOR