



Appeal Decision

Site visit made on 6 April 2022

by M Clowes BA (Hons) MCD PGCERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2022

Appeal Ref: APP/J2373/W/21/3287323

1 Cumberland Avenue, Blackpool FY1 5QL

- 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 McLoughlin against the decision of Blackpool Council.
 - The application Ref 21/0567, dated 17 June 2021, was refused by notice dated 5 August 2021.
 - The development proposed is described as 'erection of first floor rear extension and use of premises as altered as 4 self-contained permanent flats.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of the proposal from the appeal form and the Council's decision notice, as it more accurately defines the entirety of the development proposed. My use of this description does not fundamentally change the appeal scheme, nor prejudice the cases of the main parties in relation to it.
3. The existing landscaping plan does not correctly identify the position of trees on the appeal site, and this information is transposed onto the proposed landscaping plan. The plans before me are those determined by the Council. Notwithstanding the discrepancies, I am satisfied that I have sufficient information before me to properly assess the impact of the proposed development in regard to the main issues.

Main Issues

4. The main issues are the effect of the proposed development upon;
 - i) the character and appearance of the area and
 - ii) housing balance and the living standards of the future occupiers of the proposed flats.

Reasons

Character and Appearance

5. The appeal property is an attractive building of some architectural quality, most of which is appreciated from Cumberland Avenue to the front of the site. It is a large, red brick 2 storey detached villa with render and timber detailing to the first floor. The flat roof over the proposed first floor rear element of the scheme would not reflect the architectural quality of the host building which comprises

dual or mono-pitched roofs on the whole. A feature which contributes positively to its design and appearance. Whilst not particularly deep, the extension would be 2 storey in height and its form including the flat roof, would jar with the appearance of the host building.

6. The rear extension would not be overtly perceptible from either Whitegate Drive or Cumberland Avenue. That said, Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2016 (Core Strategy) and Policies LQ1 and LQ14 of the Blackpool Local Plan 2006 (Local Plan), do not require development to be publicly visible, to be considered harmful to the character and appearance of a host building or wider area. Moreover, the presence of existing flat roofed extensions or dormer windows on nearby properties does not justify development that would not be visually sympathetic to the host building. The appellant has offered to erect a pitched roof above the proposed flat roofed extension, which is likely to be more sympathetic. However, no plans have been submitted for me to consider.
7. The scheme additionally includes the erection of a first floor extension above an existing single storey rear projection. I see no reason to disagree with the Council that the design and scale of the extension would be appropriate to the established character of the host building. However, the Council have raised concerns regarding the implications for nearby trees, suggesting that this extension would require some to be cut back, affecting biodiversity and the visibility of the site.
8. Contrary to the information provided on the landscaping drawings, I saw that the crown spread of a number of trees, partially extend over the pitched roof of the single storey rear projection. Although these trees appear to be of a low quality with a likely limited lifespan, given their position close to the building and adjacent boundary wall, they contribute positively to the verdant character of the site.
9. Works to construct the first floor extension are likely to necessitate either the partial pruning or wholesale removal of the trees. In this latter circumstance, mitigation to offset the loss of trees is a prerequisite of Policy CS6 of the Core Strategy (2016). Some replacement planting would be possible on-site, given the good sized rear garden which is to remain as communal garden space. However, the proposal is currently silent on what works would be carried out to the trees and no mitigation has been suggested.
10. With this and the above in mind, the appeal scheme would be harmful to the character and appearance of the area. It would therefore fail to accord with Policies CS7 of the Core Strategy (2016) and Policies LQ1 and LQ14 of the Local Plan (2006). These policies amongst other things, seek to ensure new development is of a high quality, well-designed and detailed in relation to the original building and appropriate in terms of its mass, scale and appearance. I also find conflict with Policy CS6 of the Core Strategy (2016) which amongst other things seeks to prevent a loss of green infrastructure and to secure appropriate mitigation.

Housing Balance and Living Standards

11. The Council have directed me to the New Homes from Old Places Supplementary Planning Document 2011 (SPD) which provides guidance on improving the quality of housing across the area. It advises that within the

defined Inner Area of Blackpool, proposals for conversions involving extensions to a property will not be acceptable. The supporting text indicates a desire to rebalance the housing mix and prevent the creation of very small units and high density levels, in order to address wider socio-economic issues. This reflects Policy HN5 of the Local Plan (2006). However, Policy CS13 of the Core Strategy (2016) provides a more proportionate approach with new developments aiming to achieve an efficient use of land with a density that is appropriate to the characteristics of the site and surrounding area.

12. Here, the property is of a substantial and sufficient size for subdivision into a number of units, albeit with modest extensions. These units would all have 2 bedrooms and access to the spacious communal garden. 3 of the 4 proposed units would exceed the minimum floorspace requirements as set out in the National Technical Housing Standards; Nationally Described Space Standards 2015 (Technical Standards). However, Flat 1 would be 5sqm below the minimum standard. As the reduction in size is apportioned out across the flat, no single room would be unduly small. In a previously approved scheme (application reference 21/0052) for the conversion of the host building to 3 flats, the Council accepted a unit of the same size as now proposed for Flat 1. This was on the basis that a much larger flat within the development would offset the shortfall of the floorspace standard in relation to Flat 1. With the current proposal, the additional 3 flats would again exceed the minimum requirements, although not to quite the same extent as previously. Therefore, I can see no reason not to apply the same analysis as the previous case and consider the scheme as generally compliant with the Technical Standards.
13. As the proposed first floor extensions would be subordinate in size to the host building and would not take up any area of the spacious garden, neither they, nor the conversion of the resultant building into flats, would result in the overdevelopment of the site or exacerbate high housing densities within the Inner Area, to an unacceptable degree. The proposed flats would provide a good level of living standards for the future occupiers in terms of both internal and external space. The flats would not undermine the balance or mix of housing stock in the area, particularly given the proposal amounts to 1 additional flat, over and above the previously approved scheme. It would further contribute to housing need and the range of housing stock, albeit to a modest degree.
14. The proposed development would not therefore have an adverse effect upon the housing balance or living standards of the future occupiers of the proposed flats. Conflict is found with Policy HN5 of the Local Plan (2006) and the guidance contained within the SPD, which are clear that proposals for the conversion of existing buildings including extensions will not be supported. Nevertheless, the proposal aligns with the more proportionate aims of Policy CS13 of the Core Strategy (2016), which balances the impact of density with the specific characteristics of the site. Given the spaciousness of the plot and the fractional shortfall below the Technical Standards, I find the development compliant with Policy CS13. I also find that the development accords with Policies BH3 and LQ14 of the Local Plan (2006) which amongst other things, seek to ensure the amenity of occupiers of residential properties and that extensions are considered in relation to context. Taken as a whole, I find the proposal would not conflict with the Development Plan.

Other Matters

15. The Council have confirmed that a financial contribution of £2752 would be expected for the provision of off-site public open space, in accordance with the requirements of Supplementary Planning Guidance 11: Open Space; Provision for New Residential Development and the Funding System (1999). It is accepted that the appellant is willing to make the required contribution, and a planning obligation has been submitted to deal with this issue. Unfortunately, the mechanism provided has not been correctly dated nor signed and sealed by the Council, and it refers to the provision of affordable housing which is not a matter for this appeal. As such, the obligation would not take effect and would fail to meet the requirements of the National Planning Policy Framework.
16. Even if I were to conclude that the development was acceptable in all other respects, I cannot be certain of the impact upon bats, without an appropriate scoping or emergence survey. I have had regard to other matters raised by interested parties including the impact of the development on privacy and wildlife. Since I am dismissing the appeal for other reasons, I have not considered either of these matters further.

Conclusion

17. Whilst I have found in the appellants favour in regard to the second main issue, this would be a lack of harm which, by definition, cannot be used to weigh against it. In regard to the first main issue, the appeal scheme would conflict with the development plan and, there are no material considerations worthy of sufficient weight to indicate a decision other than in accordance therewith. The appeal should therefore be dismissed.

M Clowes

INSPECTOR