



Appeal Decision

Site visit made on 6 April 2022

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/J2373/W/21/3288991

30 Anchorsholme Lane East, Blackpool, Lancashire FY5 3QL

- 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 Chris Barlow against the decision of Blackpool Council.
 - The application Ref 21/0466, dated 20 May 2021, was refused by notice dated 28 July 2021.
 - The development proposed is described as 'demolition of existing outbuilding and construction of detached bungalow on footprint of demolished building.'
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon:
 - i) The function of a local centre;
 - ii) The living conditions of the future occupants of the dwelling; and
 - iii) The character and appearance of the area.

Reasons

The Function of a Local Centre

3. The evidence suggests that the ground floor commercial premises at the appeal site is currently vacant. Advertisements on the shop front indicate an aquatics shop last occupied the unit. It, along with the rear yard area the subject of this appeal, forms part of a parade of local shops and services that are classified by the Council as a Local Centre. I saw that the Local Centre runs along a section of Anchorsholme Lane East, which is a relatively wide, well-trafficked main thoroughfare, also used by the local bus network. A range of shops, food outlets, beauty salons and a travel agency amongst other facilities, make up the Local Centre, with flats above the ground floor commercial units. Occupancy levels are good, with limited numbers of vacant units. Policy BH14 of the Blackpool Local Plan 2006 (Local Plan) supports new residential development providing that it would not undermine the retail function, role and character of the Local Centre.
4. Paragraph 187 of the National Planning Policy Framework (the Framework) requires planning decisions to ensure that new development can be integrated effectively with existing businesses. It also goes on to state that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. The 'agent of change' principle places the responsibility for mitigating and managing the impact of change on existing uses, i.e. the person responsible for the change,

must manage the impact of the change. The Planning Practice Guidance (PPG) indicates that the 'agent of change' should consider not only the current activities that may cause a nuisance, but also those activities that businesses are permitted to carry out, even if they are not occurring at the time of the application being made.

5. The proposed dwelling would introduce a new noise-sensitive development close to the existing commercial premises. The Council advises that the commercial unit is not currently subject to planning restrictions. As such, changes could be made to differing types of retail, hospitality or leisure uses without the need for planning permission.
6. No evidence by way of a management plan or a noise assessment has been put forward, to demonstrate how potential noise and disturbance that may affect the future occupiers of the proposed dwelling, may be mitigated in respect of the use of the commercial premises now or in the future, should a change of use under permitted development rights occur. Whilst I understand that the appellant intends to retain the commercial premises in their ownership, and that the proposed dwelling is to be occupied by a relative of the appellant, this might not always be the case. Neither can guarantees be relied upon that the retail unit would not be rented out or sold to businesses that would not create unneighbourly conditions for the future occupants of the proposed dwelling, through odour, waste, noise or late night/early morning activity.
7. The effect of the proposed development would be to create a separate planning unit at the rear of the commercial premises. As such, no land would remain to accommodate storage for the existing retail unit which may curb the range of uses that it could be put to. It would also stifle the ability of the commercial premises to expand in the future. The proposed dwelling would therefore fetter the ability of the commercial unit to adapt to changing market forces and remain competitive. This may prevent the natural eb and flow of businesses within the Local Centre that respond to changing local needs, undermining the function of the Local Centre.
8. Conversely, maintaining the conditions in which businesses can expand and adapt flexibly would be likely to have environmental implications for levels of noise and activity, that would conflict with the components necessary for a successful residential living environment, for the future occupiers of the proposed dwelling. I agree with the Council that attaching conditions to restrict the type of use, level of noise or hours of trading for the commercial premises would not meet the reasonableness test set out in paragraph 56 of the Framework.
9. For the reasons I have set out, the proposed dwelling would be harmful to the future function of the Local Centre. It would therefore fail to accord with Policy CS7 of the Blackpool Local Plan, Part 1: Core Strategy 2016 (Core Strategy) which requires new development to be appropriate in terms of its relationship to adjoining buildings. I also find conflict with Policy BH14 of the Blackpool Local Plan (2006) which seeks to prevent new development that would undermine the retail function and role of Local Centres.

Living Conditions

10. The proposed dwelling would be sited in a backland location with pedestrian access via the driveway alongside the commercial premises. This would not be particularly welcoming for the future occupants. Given the narrowness of the site, the proposed dwelling has been designed to have windows in just 2

elevations. These would largely look towards the private amenity area to the east of the proposed dwelling. The outlook from the main living areas would be compromised by the proximity of the tall fence along the shared boundary with 32 Anchorsholme Lane East, creating inferior and claustrophobic living conditions for the future occupants.

11. Direct overlooking of the proposed kitchen window in the northern elevation, as well as the private amenity space for the proposed dwelling, would also occur from the rear principal windows belonging to habitable rooms in the first floor flats above 30 and 32 Anchorsholme Lane East, and to a lesser extent, from 28 Anchorsholme Lane East. Overlooking of the private amenity space is also likely to occur from the first floor windows in the rear elevations of 13 and 15 Luton Road which face the appeal site. Although the windows in the outriggers to No 13 and No 15 are small and sited at an angle to the proposed dwelling, any future occupiers are likely to perceive being overlooked when using the outside amenity space. I agree with the Council that landscaping would not provide sufficient protection from overlooking given the time it would take to establish to an appropriate level. In any event and once established, any such landscaping would further exacerbate the hemmed-in nature of the proposed dwelling.
12. Any uncontrolled change of use of the commercial premises enabled through the permitted development regime, could have consequences for the peaceful and quiet enjoyment of the proposed dwelling that the future occupiers could reasonably expect. I also note the presence of a take-away at 28 Anchorsholme Lane East which is likely to generate comings and goings until relatively late into the evenings and during weekends when a degree of quietness could be reasonably expected for a dwelling. Although set forward of the proposed dwelling, such activities could cause noise and disturbance to the future occupants.
13. The proposal would have an adverse effect upon the living conditions of the future occupiers of the proposed dwelling, with particular regard to privacy and outlook. Conflict is therefore found with Policies CS7, CS12 and CS13 of the Core Strategy (2016) which aim, amongst other things, to secure a better quality of life for residents through the provision of high quality housing and, ensure that the amenities of potential occupiers are not adversely affected. The scheme would also conflict with Policy BH3 of the Local Plan (2006) which seeks to ensure that adequate amenity standards are provided for the occupiers of new properties.

Character and Appearance

14. There is a pleasant structure and homogeneity to the property scale and type in the immediate area, where predominantly 2 storey, semi-detached buildings face onto the street. The appeal site is sandwiched between the properties fronting Anchorsholme Lane East and those fronting Luton Road. As such, the presence of the proposed dwelling would not be readily discernible from either of these public vantage points, other than as a passing glimpse at a distance from Anchorsholme Lane East.
15. The proposed single storey dwelling with a long, linear footprint and mono-pitched roof sited in a backland location, would not reflect the prevalent scale, pattern or form of surrounding development. The proposed dwelling would have a poor quality and unusual appearance given the mono-pitched roof, that is not dissimilar to the outbuildings which are to be removed.

16. Whilst the proposed dwelling would have a reasonable provision of outdoor amenity space, albeit constrained by the overlooking matter discussed above, it would remove additional land or buildings to serve the commercial premises. Although I note that it is discretionary for the appellant to allow car parking on the driveway for the first floor flat, nonetheless the access arrangements for the proposed dwelling would remove this facility and increasing on-street car parking along Anchorsholme Lane East as a result. In this regard the proposal would amount to the overdevelopment of the site.
17. The lack of public views of the site and the presence of existing development that does not contribute positively to the area, does not justify permitting development that does not take account of the context of the site. There are likely to be other options available to improve the appearance of the existing outbuildings than the proposal before me.
18. The appeal scheme would therefore harm the character and appearance of the area. As such it would conflict with Policies CS7, CS12 and CS13 of the Core Strategy (2016), Policies LQ1, LQ2, LQ3, BH3 and AS1 of the Blackpool Local Plan (2006). It would also conflict with paragraph 134 of the Framework, which requires high quality development that responds to local character and reflects the identity of the surroundings.

Other Matters

19. The Council have advised that the site is located within Flood Zones 2 and 3 and that sequential and exceptions tests and an adequate Flood Risk Assessment (FRA) have not been carried out. Even if I were to find the proposed development acceptable in all other regards, I cannot be certain of the suitability of the site for development classified as more vulnerable to flood risk, without the appropriately considered tests and FRA. As I am dismissing the appeal for the reasons I have set out above, I have not considered this matter further.

Conclusion

20. For the above reasons, having regard to the development plan as a whole and all other relevant considerations, the appeal is dismissed.

M Clowes

INSPECTOR