



Appeal Decision

Site visit made on 4 October 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/J2373/W/22/3299428

266 Whitegate Drive, Blackpool, Lancashire FY3 9JW

- 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 Ms Sam Jones against the decision of Blackpool Council.
 - The application Ref 21/0872, dated 29 September 2021, was refused by notice dated 25 November 2021.
 - The development proposed is described as a 'glazed veranda canopy to shop front'.
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Decision

1. The appeal is allowed and planning permission is granted for a glazed veranda canopy to the shop front at 266 Whitegate Drive, Blackpool, Lancashire FY3 9JW in accordance with the terms of the application, Ref 21/0872, dated 29 September 2021 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (1:1250), Existing & Proposed Site Plans (Dwg No: 526-03), Existing & Proposed Plans (Dwg No: 526-02), Existing & Proposed Elevations (Dwg No: 526-01).
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the following plan: Existing & Proposed Elevations (Dwg No: 526-01).

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the host property and the area, and on the living conditions of the first-floor occupiers with regard to noise and smoke.

Reasons

Character and Appearance

3. The appeal property lies in the middle of a terrace which has a variety of commercial uses on the ground floor and some residential uses above. The terrace, along with others in the vicinity of the site are set back at varying distances from the road behind forecourt areas, some of which are used for parking and others that contain a variety of seating and structures. There is variation in the design of the shopfronts and in the appearance of fascia signs. The variety of uses and the diversity in the townscape, including through the use of outdoor spaces gives the area a mixed character.

4. The glazed canopy would provide a cover for the current external seating area associated with the ground floor use of the site. Although it would project forward from the front of the building, it would only occupy around half the depth of the appeal site's forecourt. The Council has referenced the visibility of shopfronts from the wide-open pavement and forecourts, but I was able to see structures on forecourt areas of this and other nearby terraces as well as a bus shelter that interrupt views of shopfronts. Whilst these structures are not directly comparable to the appeal proposal, the design of the scheme, with two slender posts and a shallow pitched glazed roof, would largely maintain views to the ground floor façade of the property. Its open front and sides would not give the development an undue sense of enclosure or give rise to a cluttered appearance, even if there was to be an enclosure of up to 1m high that could be added without planning permission. I note the concerns around the canopy cutting through and blocking views of the fascia. However, based on the plans before me, most of the canopy would be below the fascia sign on the appeal property and views of this sign or those on neighbouring properties would be largely unobstructed.
5. I therefore conclude in respect of this issue that the proposal would not have an unacceptable adverse impact on the character and appearance of the host property and the area. It would not conflict with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy (2012 – 2027) (Core Strategy) or with Saved Policies LQ1, LQ2, LQ11 or LQ14 of the Blackpool Local Plan 2001/2016 (Local Plan) which seek all development to be of a high-quality design and be appropriate in terms of their scale, mass, height, appearance and materials. It would also not conflict with Section 12 of the National Planning Policy Framework (Framework), the National Model Design Code or the National Design Guide which seek development that is sympathetic to local character.

Living Conditions

6. The canopy would extend across the width of the property and to the front of the entrance door to the first floor residential flat. The Council has raised concerns that the canopy could encourage people to congregate during inclement weather when the ground floor unit is closed. There is a bus stop situated close to the appeal site, and whilst it may at times be busy, it provides a covered shelter that can accommodate a number of waiting passengers. In any event, even if there was limited space under the covered bus shelter, the set back of the canopy from the edge of the footway and the area underneath which is contained by planters, provides a physical demarcation with the public domain. This reduces the likelihood of people congregating close to the entrance of the residential flat and as such, I do not therefore consider that noise from waiting passengers, some of whom may be smoking, would give rise to any such unacceptable impacts.
7. On this issue, I conclude that the proposal would not have an adverse effect on the living conditions of the first-floor occupiers with regard to noise and smoke. It would not therefore conflict with Policy CS7 of the Core Strategy or with Saved Policy BH3 of the Local Plan, which seek, amongst other matters, that development would not adversely affect the amenity of those occupying residential accommodation. It would also not be contrary to Paragraph 130 of the Framework, which seek a high standard of amenity for existing and future users.

Other Matters

8. The Council has stated that other poor-quality canopies or structures should not form a precedent and that permitting such a canopy could make it more difficult for them to resist similar schemes. Given my findings above, the appeal proposal would not constitute poor quality design.
9. A number of other applications have been referenced by the main parties, but I have limited details of these and note that some of these are in different local authority areas. In any event, I have found the appeal scheme to be acceptable on its own planning merits.
10. The Council has suggested alternative means of protecting patrons using the outdoor seating area, such as a retractable awning. I have however determined the appeal before me on its own merits and I do not consider that this would have an overbearing effect on adjoining properties.
11. Reference has been made to emerging policies of the Blackpool Local Plan Part 2. Given the stage it is at in the local plan preparation process, and that I am unaware of whether there are any unresolved objections in relation to the referenced policies, I attach limited weight to them. In any event, they would not alter my view of the proposal when assessed against the development plan.

Conditions

12. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity, I have amended the wording of the suggested conditions as appropriate.
13. A condition is necessary to ensure the development is carried out in accordance with the submitted details and for the materials to be as used to be as specified in the submitted plan.

Conclusion

14. For the reasons given above, I conclude having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, the appeal is allowed.

F Rafiq

INSPECTOR