
Appeal Decisions

Site visit made on 7 March 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2023

Appeal A - Appeal Ref: APP/J2373/W/21/3287354 131 Counce Street, Blackpool FY1 3NG

- 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 Krishnamoorthy against the decision of Blackpool Borough Council.
 - The application Ref 21/0485, dated 27 May 2021, was refused by notice dated 27 July 2021.
 - The development proposed is alterations to shop frontage, internal alterations with roller shutter door to side.
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Appeal B - Appeal Ref: APP/J2373/W/21/3287359 131 Counce Street, Blackpool FY1 3NG

- 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 Krishnamoorthy against the decision of Blackpool Borough Council.
 - The application Ref 21/0807, dated 6 September 2021, was refused by notice dated 28 October 2021.
 - The development proposed is installation of a new shop front and internal alterations.
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Decisions

1. Appeal A is allowed. Planning permission is granted for alterations to shop frontage, internal alterations with roller shutter door to side in accordance with the terms of the application Ref 21/0485 dated 27 May 2021 subject to the conditions in the attached schedule.
2. Appeal B is allowed. Planning permission is granted for installation of a new shop front and internal alterations in accordance with the terms of the application Ref 21/0807 dated 6 September 2021 subject to the conditions in the attached schedule.

Procedural Matters

3. The description of Appeal A has been amended from the application form to the Council decision notice. However, whilst I acknowledge that the proposal would appear to involve the demolition of the bay windows the original description adequately describes the proposals and I have determined the appeal on that basis.
4. The description of Appeal B has been amended from the application form to the Council decision notice. However, whilst I acknowledge that the proposal principally involves the replacement of the recessed doorway, the original description

adequately describes the proposals and I have determined the appeal on that basis.

5. As set out above, there are two appeals on this site. They principally differ in that Appeal A proposes a new shop frontage facing Selbourne Road with a roller shutter door further along this elevation. Appeal B relates to a lesser scheme which principally involves the replacement of the recessed doorway on the main shop frontage at the corner of Caunce Street and Selbourne Road. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
6. The Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (DMP) was adopted in February 2023. I am required to make my decision based on the policy in place at the time of the decision and the Council have provided me with policies from the DMP which they consider relevant to the proposals.

Main Issues

7. The main issue is the effect of the proposals on the character and appearance of the area.

Reasons

8. The appeal site is a corner premises which is occupied by a convenience store at ground floor level fronting onto both Caunce Street and Selbourne Road. The main shop frontage has a very modern appearance, incorporating bulky fascias, trough lighting and projecting signs. The windows are blocked out with what appeared to be a upvc style material.
9. The elevation fronting Selbourne Road further along also incorporates two bay windows which include mismatched fascias. Despite bay windows to the side elevation of an apparently residential property fronting onto the road further to the south east, the street has a rather mixed character rather than residential, being dominated by the rather looming St Thomas Parish Centre building which has an adjoining car park.
10. Within this context, there would be no adverse effect on the character and appearance of the area as a result of the new shopfront proposed adjacent to Selbourne Road under Appeal A which would appear neat and streamlined and which would replace the rather untidy bay windows. The same would be the case for the roller shutter door, which would not be largely sized, set within the elevation and would likely be well screened behind existing boundary treatment. Even were it to be partially visible, it would not be out of context with the street given its mixed character.
11. I cannot be sure that the shutter would be of an open brick bond design or similar and there could be partial conflict with Policy DM23 of the DMP. However, I have afforded significant weight to the above matters such that they outweigh any potential conflict with this Policy.
12. The infilling of the recessed corner frontage is proposed under both Appeal A and Appeal B. There would therefore be conflict with Policy DM22 of the DMP which amongst other things requires the retention of recessed doorways.
13. I appreciate that this is a traditional feature but it has become so engulfed by the otherwise modern appearance of the shop that it is quite hard to discern and now offers very little in terms of a positive contribution to the appearance of this

particular premises. I have afforded these matters significant weight such that they outweigh the conflict with Policy DM22. There is nothing to suggest that the change would compromise disabled access.

14. I do not find conflict with policies DM17 or DM20 of the DMP nor Policy CS7 of the Blackpool Core Strategy (2016). Amongst other things these policies broadly require proposals of a high standard of design.

Other Matters

15. Both the existing and proposed plans show housing to accommodate roller shutters to the main shop front on the corner of Caunce Street and Selbourne Road. There is nothing to indicate that these form part of the proposals before me under these appeals.

Conditions

16. Planning permission is granted subject to the standard three-year time limit. A condition requiring matching materials is necessary in the interests of the character and appearance of the area. It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. I am not convinced that a condition requiring windows and doors to be recessed is necessary nor reasonable having regard to the development proposed at this particular site.

Planning Balance and Conclusion

17. I have identified conflict with the development plan. However, considerations indicate that the appeals should be determined otherwise than in accordance with it. I therefore conclude that both Appeal A and Appeal B should be allowed.

T J Burnham

INSPECTOR

Schedule of conditions

Appeal A

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: A021/071/S/01 & A021/071/P/01 Rev A.

Appeal B

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: A021/071/S/01 & A021/071/P/01 Rev D.