



Appeal Decision

Site visit made on 28 March 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2023

Appeal Ref: APP/J2373/D/22/3313341

1 Lincoln Road, Blackpool FY1 4HA

- 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 Mrs Helena Opoku against the decision of Blackpool Borough Council.
 - The application Ref 22/0823, dated 20 July 2022, was refused by notice dated 30 November 2022.
 - The development proposed is removal of part of front garden wall – 5200mm and brick pier – creation of permeable surfaced hardstanding in existing front garden area, installation of dropped kerb and pavement crossover.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the application was refused, the Council have now formally adopted the Blackpool Local Plan Part 2 : Site Allocations and Development Management Policies Document (the SADMP). Both parties were given the opportunity to comment on this.

Main Issue

3. The main issue in this appeal is whether the proposed development would preserve or enhance the character and appearance of the Raikes Hall Conservation Area (the RHCA).

Reasons

4. The site is located within the RHCA for which the Conservation Area Appraisal, amongst other matters, emphasises the importance of front walls to the character of the area and the positive contribution they make to the heritage significance of the RHCA, which remains readily perceptible.
5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
6. The proposal would remove the front boundary wall to facilitate off-street parking, with the loss of enclosure to the property and the loss of the front garden area. This would cause harm to the character and appearance of the RHCA. The presence of a dropped kerb would not change this assessment as it is merely a feature of the highway.

7. The appellant has directed me to a number of examples of other properties in the area that have removed a portion of their front boundary wall which has facilitated off-street parking. However, I am not persuaded that this provides a justification for the proposal in this case, due to the vulnerability of the heritage significance of the Conservation Area to such development. Indeed, it is important to protect these vulnerable features to avoid further deterioration to the heritage significance of the area.
8. The extent of harm identified under this issue would be localised, and whilst I recognise the limited scale of the proposal, the proposal would harm the significance of the RHCA as a whole. In the context of the National Planning Policy Framework (the Framework), this would be less than substantial harm. Even so, I give great weight to the conservation of the RHCA as directed by Paragraph 199 of the Framework. The less than substantial harm identified needs to be weighed against any public benefits of the proposal.
9. There is no evidence that the proposal would generate public benefits to weigh in its favour against the identified harm. Indeed, the proposal would facilitate off-street parking for private benefit. As such, there are no public benefits that outweigh the harm to the RHCA.
10. The Council's reason for refusal was explicit with the effect on the RHCA only forming their reason. I therefore find conflict with policy CS8 of the Blackpool Local Plan Part 1 : Core Strategy, Saved Policy LQ10 of the Blackpool Local Plan (2006), and Policy DM27 of the SADMP which amongst other matters, expects development to conserve and enhance heritage assets and their setting.
11. The proposal would also conflict with the Conservation principles of the Framework. No other local policies quoted in the reason for refusal are specific to the heritage aspects of the proposal.

Conclusion

12. The proposal conflicts with the development plan and there are no other considerations that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR