



Appeal Decision

Site visit made on 6 March 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2024

Appeal Ref: APP/J2373/W/23/3322428

286/292 Lytham Road, Blackpool FY1 6EY

- 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 Sohail Mansoor against the decision of Blackpool Council.
- The application Ref 23/0079, dated 1 February 2023, was refused by notice dated 2 May 2023.
- The development proposed is described as 'Proposed single storey rear store extension to form secure store for non-food utensils and equipment essential for running of the business. Accessed by single internal door. Remaining yard/escape routes fully maintained.'

Decision

1. The appeal is allowed and planning permission is granted for the Proposed single storey rear store extension at 286/292 Lytham Road, Blackpool FY1 6EY in accordance with the terms of the application, Ref 23/0079, and the plans submitted with it, 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 approved plans: JPP/2053_001, JPP/2053_002 Rev B, JPP/2053_003 Rev A, JPP/2053_004, and JPP/2053_005.
 - 3) 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.

Preliminary Matters

2. The description of development on the application form includes wording that does not describe an act of development. Therefore, in my decision above, I have deleted the wording that does not describe an act of development.
3. An extension to the premises has already been erected. However, I do not know if this fully accords with the submitted plans. For the avoidance of doubt, I have determined the appeal on the basis of the plans before me.
4. Reference is made within the appellant's submissions to a change of use of the premises to a hot food takeaway. However, no change of use has been included in the description of development on the application form, nor on the Council's Decision Notice. Accordingly, I have not considered any change of use as part of this decision.

5. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Main Issues

6. The main issues are (a) whether the proposal would undermine the Council's regeneration objectives for the borough, including the vitality and viability of the designated centres of the retail hierarchy, and (b) the effect of the proposed development on the living conditions of occupiers of No 7 Ward Street with specific regard to outlook.

Reasons

Regeneration, Vitality and Viability

7. Policy CS4 of the Blackpool Local Plan Part 1¹ (LPP1) seeks to protect the vitality and viability of the town centre, whilst recognising the supporting role that District and Local Centres have in meeting the needs of the community. It sets out that in edge of centre and out of centre locations, proposals for new retail development and other main town centre uses will only be permitted where: there are no more centrally located/sequentially preferable sites; the proposal would not cause significant adverse impact on existing centres; the proposal would not undermine the Council's strategies and proposals for regenerating its centres; and the proposal will be readily accessible by public transport and other sustainable transport modes.
8. Paragraph 91 of the Framework requires the application of a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan, as a means of supporting the role that town centres play at the heart of local communities. The National Planning Practice Guidance states that the application of this test will need to be proportionate and appropriate for the given proposal.
9. The Council indicates that the ground floor of the premises is an existing restaurant, and it would remain as such. Therefore, the appeal scheme does not introduce a new main town centre use at this location, which lies close to, but is not within a designated district centre. While the appeal scheme extends the premises, the rear extension is modest in scale. The floor area of the extension is within that permitted by Part 7, Class A of the GPDO² for commercial premises. However, the Council indicates that due to the proximity of the extension to the site boundaries, the proposal does not benefit from these permitted development rights.
10. The appellant states that an extensive search of other premises has been undertaken and found to be unsuitable. No substantive evidence of this has been provided to me. Therefore, I cannot conclude that this is the sequentially most preferable site for the extended premises. However, given that a restaurant use is already established at this out of centre location and the proposal seeks a small extension for storage purposes only, re-location in order to achieve this modest benefit would seem financially burdensome, whilst providing the storage element elsewhere would no doubt be difficult in meeting

¹ Blackpool Local Plan Part 1: Core Strategy 2012 – 2027, Adopted January 2016.

² The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

the day to day needs of the business. Even if the appellant's business relocated, the appeal site could continue to operate as a main town centre use.

11. Further, given its size, any impact of the extension on the vitality and viability of the nearby district centre, is unlikely to be significant, over and above that of the existing premises. As a main town centre use is already established at this location and the extension is so small, it would not undermine the Council's wider regeneration strategy of directing new major retail development to the town centre to strengthen the offer, while directing new retail development and other town centre uses to the town, district or local centres first, according to their scale, role and function. No concerns have been raised as to the accessibility of this location by public transport and the Council acknowledges the economic benefits associated with the expansion of an existing business.
12. As such, whilst there would be some conflict with LPP1 Policy CS4 in terms of application of the sequential test, this small-scale development would not undermine the Council's regeneration objectives for the borough and the vitality and viability of the designated centres of the retail hierarchy, and so the proposal would comply with these overall policy objectives, as well as those of the Framework in terms of ensuring the vitality of town centres.
13. I note the Council's concerns relating to the cumulative impact of such developments on the Council's regeneration objectives, and I have been directed to an appeal decision³ in this regard. However, the referenced appeal scheme involved the introduction of a new main town centre use to an out of centre location, not a small-scale extension to an existing main town centre use. As such, that proposal is not directly comparable to the scheme before me. In any event, each proposal must be considered on its individual planning merits.
14. Policy DM17 of the Blackpool Local Plan Part 2⁴ (LPP2) is referenced on the Council's decision notice in relation to this refusal reason. However, this policy relates to design considerations, and so it is not directly relevant to this main issue.

Living Conditions

15. The rear extension adjoins the private yard of No 7 Ward Street, a residential property. At ground floor level, this property contains a door and window directed towards the appeal scheme and this private yard is the only external amenity space available to occupiers of this property. Given the configuration and high density of development in this area, this yard is surrounded by two storey development, and so users of this space are likely to experience a strong sense of enclosure and limited outlook. The Council considers this private amenity space to be of poor quality in an area where the quality of the living environment is within the worst 1% of the country.
16. At 2.55–2.6m in height, the appeal scheme would be higher than any boundary treatment permitted under the GPDO. The information before me suggests that the extension has replaced a 1.7m high wall and so the appeal scheme would change the outlook from the rear elevation of the dwelling and from within the yard. Nevertheless, it would remain single storey only and given the limited

³ APP/J2373/W/3252490

⁴ Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027, Adopted February 2023.

outlook and sense of enclosure resulting from the density and configuration of existing development, the change arising from the appeal scheme would not materially harm the living conditions of occupiers of this neighbouring property.

17. For these reasons, the proposal would comply with the requirements of LPP1 Policy CS7 and LPP2 Policies DM17 and DM20, which collectively, and amongst other matters, require that new development is well designed, including in terms of scale and massing, while ensuring that the amenities of nearby residents are not adversely affected, including their outlook.

Conditions

18. While an extension has been constructed on site, the Council indicates that the appeal scheme is a revision to a previously refused proposal, and I do not know if the constructed extension fully accords with the submitted plans or the earlier scheme.
19. Accordingly, having had regard to the conditions suggested by the Council, I have imposed the standard time limit for the implementation of this scheme, as well as a condition specifying the approved plans, as this provides certainty. I have also imposed a condition requiring matching materials to safeguard the character and appearance of the appeal property.

Conclusion

20. For the reasons set out above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed.

S Brook

INSPECTOR