



Appeal Decision

Site visit made on 20 February 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 30 April 2024

Appeal Ref: APP/J2373/W/23/3330132

22 Chimes Hotel, Gynn Avenue, Blackpool FY1 2LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mitchell Griffiths of Property Letting against the decision of Blackpool Council.
 - The application Ref is 23/0165.
 - The development proposed is change of use from bed and breakfast accommodation to serviced accommodation.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from bed and breakfast accommodation to serviced accommodation at 22 Chimes Hotel, Gynn Avenue, Blackpool FY1 2LD in accordance with the terms of application Ref 23/0165, dated 8 March 2023, subject to conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mitchell Griffiths against Blackpool Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description in the application form includes details of ownership and management and confirms that no physical changes are proposed, as well as what is listed in the banner heading above. For clarity, the appeal has been determined based on the description within the banner heading.
4. At the time of my visit, the building was laid out as holiday accommodation with bedrooms ready for guests and a fully equipped kitchen.

Main Issues

5. The main issues are the effect of the proposal on:
 - the living conditions of neighbouring occupiers with particular regard to noise and disturbance; and
 - the character and appearance of the area.

Reasons

Living conditions

6. The appeal site is an existing bed and breakfast premises which it is proposed to change to serviced accommodation. The proposed development would utilise the six bedrooms within the terraced property, resulting in a maximum occupancy of eleven people. It does not include any internal or external works to the building.
7. There is no dispute between the parties that the proposed accommodation would be appropriate in terms of space standards and the facilities provided. However, the Council's concern refers to the lack of direct on-site management of the premises, which would result from the change, and could lead to noise and disturbance affecting the occupiers of neighbouring buildings. This is because of the size of the premises which has previously been extended resulting in an enlarged 2nd storey. This would allow occupation greater than a property that has not been expanded in this way.
8. A noise assessment or details of any noise attenuation measures have not been provided and I have no evidence of whether the building as currently used results in noise penetration into adjoining premises. The building is next to an existing hotel or guest house on one side, with, I understand, a residential premises on the other side. Gynn Avenue has numerous hotels and guest houses and is within the North Shore Holiday Accommodation Area. This designation does not distinguish between differing holiday uses.
9. Whilst an owner or manager living on the site would likely result in a more direct management of the premises, the appeal site has previously been used as a bed and breakfast. Consequently, there would be an established level of comings and goings to the building and a degree of noise from guests using the premises. Although concerns have been expressed from neighbouring properties about anti-social behaviour in the area and the potential for noise and disturbance from large groups of people occupying the building, no substantive evidence has been provided to support this.
10. The Framework says that otherwise unacceptable development could be made acceptable by the use of conditions. Paragraph 56 of the National Planning Policy Framework (the Framework) does state that these should only be used where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. In this instance, suitably worded conditions to control noise levels and provide suitable mitigation, as well as a robust management plan for the site, would enable the proper management of the building and provide measures to ensure that this takes place.
11. Therefore, to conclude, the proposed development would not harm the living conditions of neighbouring occupiers with particular regard to noise and disturbance.
12. The proposal would accord with Local Plan Policies CS7 and CS13 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027), 2016 (CS) which amongst other things does not permit development that would cause unacceptable effects from noise that would adversely impact on local character or amenity, as well as providing quality living accommodation which meets the relevant standards in place for conversions or new build development.
13. It would also accord with Policy DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies, 2023 (DMP) which requires

development to be compatible with adjacent existing uses and not lead to unacceptable adverse effects on factors such as health and amenity and the operation of surrounding uses.

Character and appearance

14. Gynn Avenue is lined with terraced properties and, as I observed, the housing as originally built would have likely had a double bay on the front with a gabled roof projection above this.
15. I have no evidence of the original design of the appeal property, although it has a double bay at the front, with uPVC cladding at 1st floor level, above which a 'roof lift' has been constructed, which extends across the full width of the front of the building. This is finished in a pebble dash render. The site also has two dormer extensions on the rear roof slope, the smaller one considered by the Council to be an original feature of the building, and a single storey extension on the rear elevation.
16. There is a high proportion of 'roof lifts' on the front elevation of properties along Gynn Avenue, as well as smaller dormer extensions. Many of these 'roof lifts' are, as identified by the signage on the buildings, on guest houses and hotels.
17. The Council has in part refused the application as it includes the retention of non-original features, mainly to the roof. However, the application did not include any physical changes to the building. Whilst the 'roof lift' and other extensions on this building may not conform to current design guidance or policy, there is no substantive evidence submitted to suggest that the extensions have not been there for some time.
18. The use of uPVC for cladding and fenestration is visible all along Gynn Avenue, as are other 'roof lifts' and front dormer extensions. The site is outside the North Promenade Conservation Area, and I have no evidence of any other planning restrictions that apply to this site, other than it being within the North Shore and Cliffs holiday accommodation area which does not require the removal of non-original features and extensions where no external changes to the building are proposed.
19. The 'roof lift' at the front is attached to another 'roof lift' at No 20. Whilst the 'roof lift' on the appeal site does not contribute positively to the character of the building or enhance its appearance, the proposed development does not seek to make any physical changes to the building. Moreover, the rear dormer extension is not overly dominant and is not highly visible from the surrounding area. Instead, the proposal is a change of use from a bed and breakfast to serviced accommodation within an area designated for holiday use. Therefore, to conclude, the proposed development would not harm the character and appearance of the area.
20. It would accord with Policy DM5 of the DPD as it is in the Inner Area and in its change of use to residential, does not involve any extensions.
21. Whilst the Council has referenced DPD Policy DM17, design principles, and LP Policy CS7, quality of design, for the reasons set out above, I do not consider that these policies are relevant as no new building or physical changes to the existing building are proposed.

22. Furthermore, whilst the officer report refers to the New Homes from Old Places Supplementary Planning Document¹ (SPD) and that 'roof lifts' would expect to be removed for the conversion of properties from other uses, the building is being retained as holiday accommodation with no physical changes proposed. Therefore, the SPD does not apply in this respect.

Other Matters

23. The refusal notice references several policies including Policy DM5 of the DMP, and Policy CS13 of the CS, as well as referring to the SPD in the officer report. The appellant contends that these policies that refer to residential uses and new housing development should not have been applied to this proposal.
24. Whilst Policy CS13 refers to housing mix, density and standards, it does discuss providing quality living accommodation and creating mixed and balanced communities. Moreover, Policy DM5 relates to the change of use of existing buildings to residential use.
25. The proposal seeks to change a bed and breakfast, a C1 use, to serviced accommodation, a sui generis use. Whilst the proposed development would not be occupied as a dwelling house, a C3 use, it would be occupied by residents who would be using the facilities in a domestic capacity, even if they were occupying the building for only short periods of time. Therefore, the policies that the Council have used, whilst not directly referring to these differing types of uses, are applicable to a building being used as a holiday home.
26. Despite this assessment, the Council do not consider that the use of the site as holiday accommodation is unacceptable in principle. Additionally, they refer to Policy CS23 which supports safeguarding holiday accommodation and new or refurbished holiday accommodation within main holiday accommodation areas. I have no reason to disagree with this opinion.
27. The Council refers to Policy DM21 in their reasons for refusal, which is a landscaping policy, although they have confirmed that as there is an existing holiday use, no tree contributions would be required. The proposed development does not include any changes to the limited external areas around the building, including to boundary treatments. Furthermore, the Council has not recommended a landscaping condition. Therefore, additional landscaping is not appropriate in this case.
28. Third parties, including those who signed a petition, have objected to the proposal on the grounds that most of the holiday accommodation within Gynn Avenue are owner occupied bed and breakfast premises. This enables the owners to work with each other and ensures that large groups of people are not staying within the properties, as well as enabling owners to vet guests on arrival. Existing owners within this established holiday accommodation area, some of whom have been running their premises for a considerable time, maintain high standards to provide good quality and well-run holiday accommodation which contributes to the economy of the town. I recognise the concerns that have been expressed, but the building has an established holiday use. Any additional effects of the proposed use would be covered by a management plan and measures in place to satisfactorily deal with any issues.

¹ Residential Conversion and Sub-Division Supplementary Planning Document adopted March 2011.

Conditions

29. I have considered the conditions suggested by the Council with reference to the National Planning Policy Framework and the Planning Practice Guidance. In addition to the standard time limit, a condition listing the plans is necessary in the interest of certainty.
30. To ensure that the proposed development is run efficiently and without causing disturbance to the occupiers of neighbouring properties, contact details set out at the front of the property, and a management plan is required.
31. Whilst the appellant has consistently stated that a noise survey was not required as the occupancy of the building would not be increased, they have agreed to the Council's list of proposed conditions. This includes a noise survey. Whilst I agree that occupancy levels would not change, previously, guests would be couples or individuals, whereas the proposed change of use would have a group of up to 11 people who would know each other. Therefore, the level of interaction and noise may be greater than the use of the premises as a bed and breakfast. Consequently, and subject to the noise survey, mitigation may be required.
32. To ensure that the building is not occupied by greater numbers than the proposed development has been designed for, a condition limiting the number of bedspaces within the accommodation is considered reasonable and necessary. Additionally, a condition retaining the layout of the proposal is required. Furthermore, a condition setting out the proposed use and the maximum length of stay is required to ensure that it is only used for holiday accommodation within a defined holiday accommodation area, and not for permanent residential use.
33. Lastly, to protect the appearance of the area and the living conditions of the occupiers of surrounding properties, a condition is required for the storage of bins and waste.
34. Any amendments I have made to the Council's suggested list of conditions are in the interests of precision and clarity and to ensure compliance with the Framework.

Conclusion

35. 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.

M J Francis

INSPECTOR

Schedule of 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: Existing and proposed plans, drawing 686-01; Existing and proposed elevations and site plan, drawing 686-02.
- 3) The serviced accommodation hereby approved shall not be brought into use until a board displaying management contact details, including a telephone number available at all times of day or night, which is legible from the public highway has been displayed at the front of the building. The board shall be retained and updated as required for so long as the use continues.
- 4) The serviced accommodation hereby approved shall not commence until a Management Plan is submitted to and agreed in writing by the local planning authority. The accommodation shall thereafter be operated in accordance with the agreed Management Plan.
- 5) Prior to the use of the serviced accommodation, a noise survey shall be submitted to and agreed in writing by the local planning authority. If the noise survey identifies a need for mitigation, a scheme for the provision of noise attenuation to ensure that cumulative noise levels are not exceeded shall be submitted to and agreed with the local planning authority.
 - 35dB LAeq (16hr) from 0700 to 2300 within living rooms
 - 30dB LAeq (8hr) from 2300 to 0700 within bedrooms
 - 45dB LAFmax from 1900 to 0700 for single sound event within bedrooms
 - 50db LAeq (16hr) from 0700 to 2300 for outdoor living areas
 - The evening standard LAFmax shall only apply where the evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour.

Any noise attenuation scheme that is agreed as part of this condition shall be implemented in full and in accordance with the approved details and shall thereafter be retained and maintained as such.

- 6) The serviced accommodation hereby approved shall not at any time exceed more than 11 people within 6 bedrooms, other than where infants are sleeping in travel cots.
- 7) The internal layout of the serviced accommodation shall be retained in accordance with the approved plans.
- 8) The accommodation hereby approved shall be used as serviced accommodation only and shall not be occupied by any person(s) as their sole or main place of residence. No person(s) shall occupy the premises for a period exceeding 30 days.

- 9) Bins and refuse shall always be stored in the rear yard, other than on collection days.

End