



Appeal Decision

Site visit made on 17 June 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2024

Appeal Ref: APP/J2373/W/23/3331597

451 Lytham Road, Blackpool, Lancashire FY4 1JE

- 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 Seelan Ttharma against the decision of Blackpool Council.
 - The application Ref: 23/0250 dated 6 April 2023 was refused by notice dated 20 June 2023.
 - The application is for the erection of single storey rear extension and single storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of single storey rear extension and single storey side extension in accordance with application reference 23/0250 dated 6 April 2023 subject to the details set out in the conditions below.

Preliminary Matters

2. It is a matter of fact that a previous application for this site for the erection of a single storey rear extension and single storey side extension was withdrawn in March 2023. It appears that the scheme was provisionally resisted by the Council due to the presence of trees upon the site. Subsequent to this the site was cleared and the application to which this appeal relates was submitted.
3. In light of this I am obliged to only deal with the application as it was submitted at the time under the current reference number. As this site is not within a Conservation Area nor under the jurisdiction of any Tree Protection Order (TPO) or other such protection it was within the gift of the Appellant to manage their land as they saw fit prior to this application. As such it is not within my remit to give any weight to the condition that this site was in prior to this application and as such I consider the following appeal based upon the condition of the site as it currently exists which is would be proper in this respect.
4. A plan showing planting boxes to the front of the property¹ was submitted following determination of this application by the Council to which the Council have not had chance to comment. Although I can give this plan no weight in this decision I do consider it useful as an illustrative example of where potential mitigating planting could be located so as to satisfy required conditions.

¹ 22-84-3 dated 31 July 2023

5. This appeal also includes an application for costs against the council which will be assessed as part of its own, separate costs decision.

Main Issues

6. The main issue is whether the scheme would result in unacceptable loss of green infrastructure.

Reasons

7. The appeal property is an inner city retail shop serving what appeared to be a well established community of residential houses, a local school and other facilities within the town of Blackpool. Much of the area is characterised by streets of terrace or semi detached housing and I saw on my site visit that the shop was busy with parents and children from a local school.
8. The proposal before me seeks to increase storage capacity of the existing shop through the erection of a single storey extension into the former back yard of the property. Alongside this a small, new building would be created along the side, gable elevation housing stair access.
9. The shop is housed within a stand alone building that appears, due to its overall design and form, to date from around the late Victorian period. The plot which the appeal is concerned with has a small area of rear space that is tightly enclosed by other gardens and associated walls and fences, as well as having a drive access to the side. Within the plot there is a garage and car port and an existing single storey extension to the rear. I have evidence before me that this land was previously used to house a storage building of some kind and as such was previously built upon in some form.
10. An aerial image within the Council's delegated report shows this rear area as containing foliage that apparently consisted of 10 self set Sycamore trees and one Cherry tree. The Appellants Arboriculturalist confirmed this and suggested that none of those trees were considered suitable specimen trees within such a confined space suggesting instead that structural damage to property could occur were they left to grow. I did see on my site visit that the plot does presently contain some elements of self set Sycamore again and was bounded by other gardens whose high hedges and ivy created some greenery.
11. Despite what the previous landscape value of the site was alleged to have been prior to this application, I consider that the contribution today of such a small site within such a context of rear gardens, houses and streets, would be limited. This is testified through the lack of any protections given to the site as explained in my preliminary paragraph above. Although trees and foliage to such a modest site could contribute to the overall policy objectives of the adopted Blackpool Green and Blue Infrastructure (GBI) Strategy any such contribution would be minimal and would, furthermore, be limited due to the inability of trees upon this plot to have enough space to reach maturity without causing significant issues to neighbouring property.
12. In assessing the scheme before me based upon the situation as it currently exists therefore I find no conflict with the Local Plan in this regard. I also find benefits however in the economic sustainability outcomes of helping to retain what is clearly a valued local amenity retail premises to whom I saw on my site visit, many people travel to by foot.

13. As such, in assessing this scheme as a whole I do not consider that the loss of this area of land would lead to such harmful loss of biodiversity as to result in dismissal of this scheme and, moreover, it would result in other material benefits that encompass the sustainability thread as advanced within the Framework that are of equal importance.
14. In conclusion therefore, this proposal would not result in such detriment to the natural environment or local green infrastructure so as to bring it into conflict with Policies CS6 and CS7 of the Blackpool Local Plan Part 1 or Policies DM21 and DM35 of Part 2 of the Blackpool Local Plan part 2 nor to bring it in conflict with the Greening Blackpool Supplementary Planning Document.

Conditions

15. In terms of conditions I add the usual conditions as suggested by the Council so as to control design and ensure accordance with the proposed plans. Added to this I also add the Council's suggested condition with regards landscape mitigation. Although space would be significantly limited and not practicable for tree planting, the plans submitted following this appeal submission (plan ref 22-84-3 dated 31 July 2023) could be taken as illustrative in this matter.

Conclusion

16. For the reasons given above, and taking into account of all other matters raised, I allow the appeal subject to the conditions as set out in the Schedule below.

A Graham

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the following plans and information: Location Plan received by the Council on 01/06/2023
Proposed floor plans and elevations referenced 22-84-2
- 3) The external materials to be used on the development hereby approved shall be as specified on plan referenced 22-84-2 unless otherwise first submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any above ground construction.
- 4) Prior to the first occupation or use of the development hereby approved:
 - (a) a landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include a full planting schedule detailing plant species and initial plant sizes, numbers and densities.
 - (b) the landscaping scheme agreed pursuant to part (a) of this condition shall be implemented in full and in full accordance with the approved details; and
 - (c) Any trees or plants planted in accordance with this condition that are removed, uprooted, destroyed, die or become severely damaged or seriously diseased within 7 years of planting shall be replaced within the next planting season with trees or plants of similar size and species to those originally required unless otherwise first submitted to and agreed in writing by the Local Planning Authority.

END OF SCHEDULE