



Appeal Decision

Site visit made on 4 July 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2024

Appeal Ref: APP/J2373/W/24/3340716

Garages adjacent to 37 Fredora Avenue, Blackpool FY3 9NL

- 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 ABC Units Ltd against the decision of Blackpool Borough Council.
 - The application Ref is 23/0284.
 - The development proposed is the erection of a single storey garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey garage at the garages adjacent to 37 Fredora Avenue, Blackpool, FY3 9NL, in accordance with the terms of the application, reference 23/0284 and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the description of the development from the appeal form as it appears from the information before me that revised plans were submitted to the Council at the planning application stage, which required an alteration to the original description of the development.
3. I noted at my site visit that some works to enclose the area of the appeal site had commenced, though I cannot be certain that this is the development proposed. Therefore, I have determined the appeal based on the plans before me.

Main Issues

4. The Council's decision notice cites only one reason for refusal. However, having considered all the available information, I consider the main issues to be (a) the effect of the proposed development upon the character and appearance of the area, and (b) whether the proposal would function well over its lifetime and consequently, any effect on the living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance.

Reasons

Character and Appearance

5. The appeal site comprises the corner area of an existing garage court, located within a residential estate. The corner area is presently enclosed by walls and two doors, albeit at present there is no roof. At the time of my site visit, the area was being used for storage of two vehicles and some smaller items. The wider garage court is typical in appearance, with small flat roof garages of a

domestic scale, surrounding a central hardstanding. The garage court is accessed from Fredora Avenue, by a narrow private lane extending between Nos 37 and 39.

6. The proposed garage would have a larger footprint than those existing within the garage court and it would also be higher. It would differ somewhat in the position and style of openings as well as some of the materials to be used. As such, it would contrast with the uniformity of the existing garages. However, it would only be marginally higher, it would incorporate a flat roof similar to the existing garages, and its corner location would screen its larger size to a degree. As such, it would not appear incongruous in the context of the surrounding garage court.
7. Further, the existing garage court is set back from public vantage points along Fredora Avenue. Some of the existing garages are visible along the private access, however, other parts of the garage court are screened by surrounding housing. The position of the proposed development within the corner of this court would ensure that it would not be highly visible in public views from the road. As such, the proposed garage would not adversely impact upon the appearance of the surrounding area.
8. The appellants' submissions indicate that the design of the proposed garage has been informed by the need to store a van or motorhome on the basis of personal use and not a business use. Use of the garage for domestic storage, including the parking of private vehicles, would be consistent with the residential character of the surrounding area.
9. For these reasons, the proposal would not be harmful to the character or appearance of the area. Consequently, the proposal would comply with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy (2012 – 2027), adopted January 2016, (LPP1) and Policy DM17 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies, adopted February 2023, (LPP2), which collectively, and amongst other matters, require that new development is well designed, appropriate in terms of scale, mass, height, materials and relationship to adjoining buildings. Further the proposal would meet the requirements of the National Planning Policy Framework (the Framework) in terms of requiring new development to be sympathetic to local character, including the surrounding built environment.

Function/Living Conditions

10. As noted above, the appellants' submissions indicate that the design of the proposed garage has been informed by the need to store a van or motorhome on the basis of personal use and not a business use. I do not consider that the storage use described would be particularly specific or personal to the appellant. The need for this type of personal storage could potentially be demonstrated by a number of people. While the proposed garage would be large in scale, it would not be so excessively sized that it could not be sustained for typical domestic storage by either the appellant or others, who may have more than one vehicle requiring storage or other domestic paraphernalia.
11. As such, a garage of the size proposed for domestic use would not necessarily lead to pressure for alternative uses over time. Therefore, the proposal would be an effective use of land that would function well over its lifetime.

12. However, as the area is largely residential in character and surrounding properties are arranged in close proximity around the garage court, alternative uses, such as commercial storage or distribution, would raise different considerations to the scheme before me, including matters of noise and disturbance potentially. As the appellant's application form indicates a B8 use class, the imposition of a condition restricting the proposed garage to domestic storage use only, would be reasonable and necessary in these circumstances. Any alternative use would then require a further application for planning permission, at which point the implications of such a proposal could be fully considered. As I have found that the proposed garage is capable of meeting the domestic storage needs of not just the appellant, this would not amount to a personal permission, which the Planning Practice Guidance (PPG) advises to be rarely appropriate.
13. For these reasons, the proposal would function well over its lifetime and subject to the imposition of the condition discussed, the living conditions of occupiers of neighbouring properties would be adequately protected with regards to noise and disturbance. Consequently, the proposal would comply with LPP1 Policy CS7, insofar as it seeks to ensure that the amenities of nearby residents are not adversely affected and that development does not have unacceptable effects by reason of noise pollution or any other adverse local impact. Further, the proposal would meet the requirements of paragraphs 123 and 135 of the Framework, which state that decisions should promote an effective use of land while ensuring safe and healthy living conditions, function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, providing a high standard of amenity for existing and future users.

Other Matters

14. A number of other matters have been raised by interested parties, some of which relate to the originally submitted scheme (now revised), and some of which I have considered in my assessment above.
15. The Council has concluded that the proposal would be unlikely to increase traffic movements associated with the garage court and they do not raise any concerns with vehicles speeds using the access or the condition of the private access road. From the available evidence, I have no reason to disagree. Construction activity associated with a development of this scale would be of short duration. Any legal covenants affecting the property would be a private matter.
16. Some interested parties question whether businesses are operating from the site, referring to low-loaders blocking the access, and whether the appropriate health and safety certificates are in place. However, this decision relates only to the proposal before me.
17. The Council questions the lawful use of the appeal site in relation to any fallback position. However, as I have found the proposal to be acceptable in relation to the main issues, it has not been necessary for me to consider this matter further.
18. Albeit there is no refusal reason relating to this matter, there remains some dispute between the main parties relating to landscaping, and my attention is

drawn to the requirement of LPP2 policy DM21 for proposals to contribute towards green and blue infrastructure where appropriate. The Council's submissions highlight that no contribution has been made, however, there is little before me by way of any assessment as to whether a contribution to green or blue infrastructure would be appropriate in the circumstances of this particular case. Consequently, the evidence before me has not demonstrated that the proposed development would conflict with the requirements of LPP2 policy DM21.

Conditions

19. I have considered the conditions put forward by the Council with reference to the Framework and PPG. The appellant has had the opportunity to comment.
20. I have imposed a condition which concerns the statutory time limit and the approved plans in the interests of certainty. The latter incorporates the Council's suggested condition 3 relating to materials. These are in addition to the condition restricting the use, the reasons for which have been set out above.

Conclusion

21. For the reasons outlined 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

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 hereby permitted, including any external materials to be used, shall be carried out in accordance with drawing nos 23-029-100 Revision A Site Location Plan, 23-029-102 Revision B Proposed Site Plan, 23-029-104 Revision D Proposed Plans and Elevations.
- 3) The garage hereby approved shall only be used for domestic storage, including the parking of domestic vehicles, and for no other purpose.