



Appeal Decision

Site visit made on 23 October 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2024

Appeal Ref: APP/J2373/W/24/3342517

First Floor, 11 Cedar Square, Blackpool FY1 1BP

- 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 Mr P Noble against the decision of Blackpool Borough Council.
 - The application reference is 23/0738.
 - The development proposed is change of use of redundant offices to 1 bedroom permanent flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Works have been undertaken to achieve the proposed layout. However, I have not been advised that residential use of the proposed flat has commenced. I have assessed the appeal scheme based on the plans before me.
3. Since the appeal was lodged, the government has published "Proposed reforms to the NPPF and other changes to the planning system", and the "National Planning Policy Framework: draft text for consultation", and the Secretary of State's written ministerial statement entitled "Building the homes we need" (WMS). These documents have not raised any new matters which are determinative to the outcome of this appeal.

Main Issue

4. The main issue is whether the proposed development would provide satisfactory living conditions for future occupiers, with regard to a safe means of access, internal living space, and noise and disturbance.

Reasons

5. The appeal site comprises the first floor of a terraced property, formerly occupied as office space. At ground floor level is a hairdresser salon, with a mix of commercial properties in the surrounding area, including a public house to the rear. The site lies near to the main attractions and shopping area of the town, including the Promenade and North Pier.
6. With regards to providing a safe means of access, the plans indicate that access to the proposed flat would be achievable from a door that exits into a rear lane. Vehicular access to this rear lane is from Wood Street only, and this entrance is gated. The lane provides rear access and waste storage facilities for the appeal site and those nearby properties that back onto it.

7. LPP1¹ policy CS7 requires, amongst other matters, that proposals should provide public and private spaces that are well-designed and safe, maximise natural surveillance and active frontages, and minimise opportunities for antisocial and criminal behaviour. LPP2² policy DM17 states that proposals should be designed to prevent crime or the fear of crime, while policy DM36 requires that new development does not have an unacceptable adverse effect on safety. Further, the Council's SPD³ includes a requirement that in all cases, dwellings must have direct access from the street entrance or shared entrance hallway off the street entrance. A rear access will only be considered in exceptional circumstances. It goes on to advise that designing entrances to be visible from the street and neighbouring buildings means that homes are more secure.
8. The proposed rear entrance is a relatively short way along the lane, and it is provided with CCTV and private lighting. There would be standard street lighting nearby also. The gated entrance would assist in providing authorised access only to the lane, if utilised effectively. Some natural surveillance would be possible by passersby on Wood Street, which I am advised links the town centre to the train station and nearby car parks, and from the upper floors of surrounding properties. Correspondence from the appellant and others working in the area suggests that there have been no security issues with access from the rear lane.
9. Nevertheless, the comings and goings of future residents would differ from those of office staff. Access to the property would not be from a main street or a particularly public area. Properties that back onto the lane do not present active frontages at ground floor level, which would be typical of a street frontage. While I note the mix of commercial uses in the area, pedestrian use of Wood Street and the natural surveillance derived from it, would most likely reduce in the evenings, at a time when future occupiers would potentially feel most vulnerable.
10. As such, even with the aforementioned security measures in place, access to the proposed flat from this rear lane would not provide a high standard of natural surveillance, comparable to a typical street frontage. Future occupiers would have no alternative access. Therefore, the appeal scheme would not be well-designed and safe, nor would it be designed to prevent crime or the fear of crime. The information before me does not demonstrate any exceptional circumstances as required by the Council's SPD. Therefore, the proposal would not provide satisfactory living conditions for future occupiers with regards to a safe means of access.
11. I have been referred to a development of flats at 68 Topping Street as a comparable proposal. I have not been provided with the full details of this development. Access to these flats is from East Topping Street which appears to be a public through road and while some properties back onto this road, others have frontages. As such, the circumstances of this development do not appear to be directly comparable to the appeal scheme and it does not lead me away from my findings on this matter.

¹ Blackpool Local Plan Part 1: Core Strategy (2012-2027) Adopted January 2016

² Blackpool Local Plan Part 2: Site allocations and Development Management Policies, Adopted February 2023

³ New Homes from Old Places Supplementary Planning Document, Adopted March 2011

12. Turning to internal living space, LPP1 policy CS13 requires that new residential development provides quality living accommodation which meets the relevant standards in place for conversions or new build development. LPP2 policy DM5 states that proposals should satisfy the Technical housing standards – nationally described space standard (NDSS), while having regard to the Council’s adopted standards. However, the supporting text to Policy CS13 states that with respect to the conversion or sub-division of a property for residential development, the space standards set out in the Council’s SPD, will be replaced with the NDSS.
13. The description of development applied for is a 1-bedroom flat. The plans before me show one bedroom, a separate living room and kitchen, a hall/study, WC/shower, and a storage room. The bedroom appears to be of a size capable of accommodating two people. The NDSS specifies that 1-bedroom flats for two people should provide a Gross Internal Area (GIA) of 50sqm with 1.5m of built in storage, with the bedroom achieving 11.5sqm (as well as the stipulated minimum width). Although the main parties have produced differing floor area measurements, both sets meet the NDSS requirements. From my own observations, the proposed layout would provide a suitable level of accommodation internally for two people.
14. The Council have assessed the proposal as a 2-bedroom, 3-person flat based on the storage room being of a size capable of use as a single room. The plans before me do not show the proposed flat laid out as such and the appellant confirms that this is not the intention. There is no compelling reason before me not to assess this proposal other than as applied for. However, even if it were used in this manner, the figures presented by both main parties suggest that the GIA and bedroom size standards specified by the NDSS for a 2-bedroom, 3-person flat would be met in any event.
15. The Council expresses concern that there would be a shortfall in the size of the kitchen/lounge/dining area. However, the NDSS notes that ‘the breakdown of the minimum GIA allows not only for the different combinations of bedroom size, but also for varying amounts of additional living, dining, kitchen and storage space; all of which are related to the potential occupancy’. As noted above, the minimum GIA is met for a 2-bedroom, 3-person flat. Further, the area marked hallway/study whilst modestly sized, is of sufficient width to provide a functional space for a small dining table and desk, and so this would provide a modest increase in usable space, without compromising circulation. Consequently, future occupiers of the proposed development would be provided with a satisfactory level of internal living accommodation.
16. Turning to the issue of noise and disturbance, LPP1 policy CS7 and LPP2 policy DM36, collectively and amongst other matters, seek to ensure that new development is compatible with adjacent existing uses and would not lead to unacceptable adverse effects on health or amenity.
17. Given the mix of commercial uses within the area, particularly the proximity of the public house at the rear, there is the potential for any habitable rooms with windows facing to the rear, such as the proposed main bedroom, to experience noise and disturbance from the associated activities, and comings and goings, of these existing uses. However, the Council’s Officer Report suggests that this issue could be addressed with sound mitigation measures and the appellant agrees to revised glazing measures, if deemed necessary.

The Council's suggested conditions include those for noise assessment and mitigation measures.

18. As such, had I been minded to allow the appeal, the evidence before me suggests that subject to the imposition of conditions for further consideration of noise mitigation measures, future occupiers of the proposed development would be provided with satisfactory living conditions with regard to this issue.
19. In conclusion, I have found that the provision of internal living space would be acceptable and the living conditions of future occupiers would not be adversely impacted by way of noise and disturbance. In these respects, I find no conflict with LPP1 policies CS7 and CS13 and LPP2 policies DM5 and DM36. Nevertheless, the proposal would not provide satisfactory living conditions for future occupiers with regards to a safe means of access. In this regard, the proposal would conflict with LPP1 policy CS7 and LPP2 policies DM17 and DM36.

Other Matters

20. The proposal is in the Town Centre Conservation Area (CA). The Council raises no heritage concerns. No external alterations are proposed which would alter the appearance of the building. While a residential use would be introduced at first floor, there would be no change to the commercial use at ground floor. As such, there would be no harm to the busy mixed character of the surrounding area. Both the character and the appearance of the CA would be preserved.
21. Reference is made by both parties to policies that seek to resist an over-concentration of flats. This is not a refusal reason and as I am dismissing the appeal for other reasons, I have not considered this matter further.
22. No issues are raised with the level of daylight afforded to the proposed flat, or outlook, or with regards to the amenity of surrounding properties. These are neutral matters that do not carry any weight for or against the appeal scheme.
23. Statutory Declarations have been provided, including from a nearby tenant and a possible occupier of the flat, which express support for the appeal scheme, noting matters such as affordability issues in the town and accessibility by public transport. The proposal would make a positive contribution to the delivery of housing, supporting the Government's objective of significantly boosting the supply of homes, bringing a vacant building into use. Both main parties acknowledge that residential uses can make an important contribution to the vitality and viability of a town centre. Given the scale of the proposal, I afford these benefits modest weight in favour of the appeal scheme.

Conclusion

24. The proposed development would conflict with the development plan when read as a whole, and there are no material considerations, worthy of sufficient weight, that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

S Brook

INSPECTOR