



Appeal Decision

Site visit made on 7 May 2019

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2019

Appeal Ref: APP/J2373/W/19/322229

420 Waterloo Road, Blackpool FY4 4BL

- 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 Shaw against the decision of Blackpool Borough Council.
 - The application Ref 18/0436, dated 21 June 2018, was refused by notice dated 18 September 2018.
 - The development proposed is a rear extension including formation of vehicle crossing to Waterloo Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: (i) the living conditions of the occupants of 422 and 424 Waterloo Road and 2 Kirkstall Avenue, with regards to outlook, daylight and overbearingness; and (ii) the character and appearance of the area.

Reasons

Living conditions

3. The appeal site is a two-storey end-terraced property with a traditional design and finish. The property is on the corner of Waterloo Road and Kirkstall Avenue, but there is no vehicular access between these two roads. A single storey extension with a pitched roof is to the rear of the property¹ next to single storey built form to the rear of Nos 422 and 424 which extends up to the rear alley. The first-floor rear elevation of No 422 has two good-sized windows, while a dormer window with two rear facing windows occupies the rear roof plane. All the windows in the rear elevation of No 422 have an outlook of the gable elevation of No 2. The evidence before me, along with the observations that I made during my site visit, indicates that No 422 is a residential dwelling. The first-floor rear elevation of No 424 has two windows. There is no dispute that the first floor of this property is in residential use.
4. Despite amendments after an earlier refusal of planning permission², the submitted plans show that the proposed eaves line would be above the window cill of the nearest first floor window in the rear elevation of No 422. Even if this

¹ Council Ref: 10/0030

² Council Ref: 17/0270

window was previously obscure glazed, my findings relate to the current circumstances. This window is now clear glazed. While the roof plane would angle away from No 422, the ridge height of the roof would be above that of the window. Moreover, a blank brick wall and roof plane would abut the boundary. Hence, the outlook from the first-floor window in No 422, which could potentially be a bedroom or another habitable room, would be significantly affected given the height, massing and proximity of the proposed extension to this window, which would differ to the current extension.

5. The windows in No 422 face north, which means that, in terms of daylight and sunlight, they are already affected by the varied rear building line of neighbouring properties in the terrace, and to a lesser degree by No 2. The proposal would introduce built form directly next to the window. Hence, the proposal's height and massing would infill the gap between the appeal property and No 2, which would further compromise the level of daylight received in the bedroom. This would have an adverse effect on the living conditions of the occupants as the proposal would be overbearing.
6. The first-floor windows in the rear of No 424 would be further away from the proposal than those in No 422. Accordingly, the proposal's effect on the living conditions of the occupants of No 424 would not be as significant with regards to outlook, daylight and overbearingness. However, for the same reasons as those set out in respect of No 422, the effect would still be adverse, and thus harmful to the occupants of No 424.
7. The front elevation of No 2 has large windows at ground and first floors serving habitable rooms, but three first floor windows populate the No 2's two storey gable elevation which is side onto the rear of the site. The three windows face southwards and are obscure glazed. As they are towards the rear of No 2, they are behind Nos 422 and 424. Given this, the occupants outlook from No 2 would be maintained, even if the windows in No 2's gable elevation were not obscure glazed.
8. That said, the occupants of No 2 are likely to experience some loss of natural light due to the proposal's height, massing and proximity. The effect would be felt during the afternoons, but this would not result in an adverse effect on the living conditions of the occupants in No 2 given that the windows in the gable elevation and parts of the rear garden would still receive sun and daylight during other times of the day. Furthermore, as the proposal would not affect the windows in the front elevation of No 2, I am not of the view that the proposal would cause an overbearing impact on the occupants of No 2.
9. My attention has been drawn to a development on Pine Avenue. From the details submitted, despite some similarities, the two schemes are designed slightly different, and the eaves line of the Pine Avenue scheme is below the window of the adjacent property. In any event, I do not have all the information about the circumstances that applied and the reasons behind this scheme being granted planning permission³. As such, the Pine Avenue scheme does not, based on the evidence before me, justify the appeal scheme.
10. I conclude, on this issue, that the proposed development would not adversely affect the living conditions of the occupants of No 2, with regards to outlook, daylight and overbearingness. In this regard, the proposal would accord with

³ Council Ref: 18/0436

saved policies LQ14 and BH3 of the Blackpool Local Plan 2001/2016 (Local Plan), Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027) (CS) and Paragraph 127 a) and f) of the National Planning Policy Framework (the Framework). However, the proposed development would result in significant harm to the occupants of Nos 422 and 424, with regards to outlook, daylight and overbearingness. The proposal would in this regard conflict with saved Local Plan policies LQ14 and BH3, CS Policy CS7 and Framework paragraph 127 a) and f). These policies jointly seek development to function well and add to the overall quality of the area, not just for the short-term but over the lifetime of the development; and ensure the amenities of residential occupants are not adversely affected by the scale, design and siting of the development and its effect on outlook and levels of daylight.

Character and appearance

11. Two storey properties with pitched roofs characterise the surrounding area. These typically have a traditional appearance and are built from brick, render and roof tiles. These are, however, some exceptions which include flat roof extensions to the ground floor and roof plane of Nos 422 and 424 respectively.
12. The proposed extension would increase the scale and mass of the appeal property to the rear even though the ridge line has been reduced and the extension would be subordinate to the host property. A gable would abut the rear alley which would, in tandem with the scale and massing of the proposal, result in the loss of a sense of space at first floor between the host property at No 2. Nevertheless, the proposed design and the proposed use of materials would ensure that the extension acts as transition between the properties on Waterloo Road and Kirkstall Avenue, even though the extension would have a two-storey appearance. Furthermore, the sense of space is already affected by the single storey extension which has a pitched roof that extends roughly half way up the first-floor windows of the host property and No 2.
13. Thus, I conclude that the proposal would be sympathetic to the character and appearance of the area. Insofar as this issue, the proposal would accord with saved Local Plan Policy LQ14, CS Policy CS7 and Framework paragraph 127 b), c), d) and e) which jointly seek visually attractive well-designed extensions that are sympathetic to the original building and adjoining properties, having regard to scale, massing, layout and relationship to adjoining buildings.

Other matters

14. Concerns are raised by residents about noise from the existing use and the proposed extension. While there may or may not be valid concerns about noise from the existing use, this is a matter outside the scope of this appeal. Even though the appellant's Noise Report dates from 2009 and relates to an earlier extension, a planning condition could be imposed were I minded to allow the appeal so that sound attenuation measures could be incorporated into the extension to protect neighbouring occupants living conditions.
15. Given the site's location and the local highway environment I understand residents' points about parking, but I agree with the Council and the appellant that with the addition of a dropped kerb from Waterloo Road that the proposal would provide sufficient car parking provision.
16. The proposal would enable Blackpool Music Academy to form a new tuition

room and enable more students to make use of this facility which provides a much-needed facility for members of the community to use and benefit from music tuition, including those with health problems. These matters all carry positive weight in favour of the appeal scheme whilst limited knock-on benefits would also be likely to arise in terms of facilities for residents and visitors as well as spending within the local economy. The proposed first floor would also provide a studio and office which would allow a radio station to be relocated into the extension. The ground floor of the extension would be accessible to all. Compliance with Building Regulations is a separate matter and outside the scope of this appeal.

17. The property does not fall within a resort neighbourhood as defined in the Local Plan Proposals Map. As such, there is no Neighbourhood Action Area Plan which includes this property.
18. I recognise the appellant's comments about the extension to the rear of No 422 and the removal of internal walls, but these are, if necessary, matters for the Council to address in the first instance. I note comments made about the previous single storey extension, subsequent injunctions, finances and behaviour, but I have considered the appeal on its own planning merits.

Conclusion

19. I have found no harm from the appeal scheme in relation to the living conditions of No 2 and in terms of character and appearance. I have also taken into account the representations submitted. Even so, the appeal scheme would result in harm to the living conditions of the occupants of Nos 422 and 424. The proposal's effect is not altered or outweighed by the other considerations presented in this case, nor do they indicate that I should take a decision other than in accordance with the development plan.
20. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR