
Appeal Decision

Site visit made on 7 November 2016

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16th November 2016

Appeal Ref: APP/M2372/D/16/3155626
20 Ashwood Avenue, Blackburn BB2 4JD

- 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 Matthew Cumpsty against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/16/0600, dated 3 June 2016, was refused by notice dated 25 July 2016.
 - The development proposed is a wooden framed garden room.
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Decision

1. The appeal is allowed and planning permission is granted for a wooden framed garden room at 20 Ashwood Avenue, Blackburn BB2 4JD in accordance with the terms of the application, Ref 10/16/0600, dated 3 June 2016 and the plans submitted with it, subject to the following condition:
 - 1) Within three months of the date of this decision, the approved amendments to the boundary hedging set out on plan 15-177-13 are to be implemented, and thereafter be retained. Should any part of the hedge planted in accordance with this condition be removed, die, become severely damaged or become seriously diseased within five years of planting, it shall be replaced within the next planting season by hedging plants of similar size and species to those originally required to be planted.

Procedural Matter

2. The garden room has already been erected, and I have determined the appeal on this basis. As well as the garden room the plans show the creation of terracing around the house and the garden room. Although this is not reflected in the description of development given on the application or appeal form, and the height of these area in relation to the former lawn and decking area is disputed, in his evidence the appellant has addressed issues raised by the Council that result from the creation of this. Therefore I have also addressed these matters in the appeal.

Main Issue

3. The main issue in the appeal is the effect of the development on the living conditions of the occupiers of Nos 6 and 8 Ashwood Avenue with particular regard to outlook and privacy.
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Reasons

4. The appeal property is set on a hillside, and occupies an elevated position in relation to the properties whose rear gardens share a boundary with its rear garden. As a result of the topography the garden of the host property is approximately level with the first floor of these houses. The rear elevation of both Nos 6 and 8 contain a number of habitable windows at both ground and first floor level.
5. The garden room is situated close to the common boundary with Nos 6 and 8, and extends for much of the width of the rear garden of No 6. However, it is agreed that the distance between it and the windows on the rear elevations of these adjacent properties is greater than the separation distances set out in the *Residential Design Guide Supplementary Planning Document (revised September 2012)*.
6. The garden room is higher than the fence located along the common boundary, and so part of the wall and the roof of the structure can be seen from the rear windows and garden of Nos 6 and 8. However, the existing vegetation on both sides of the boundary helps to soften, and limit, the views of the building, and this will increase further as the hedging in the garden on No 20 matures and thickens.
7. In the light of this, and due to limited scale and mass of the garden room, I am satisfied that it does not have an overbearing impact on, or create an unneighbourly sense of enclosure to, the occupiers of these dwellings. Nor would it significantly alter the outlook from the windows on the rear elevations of these houses.
8. Whilst the garden room itself, has no windows facing these neighbouring properties, from various parts of the enlarged patio area that surrounds the garden room, views towards the first floor windows are possible, although from much of the patio area, this is limited by the existing vegetation. The Council has indicated that the hedging proposed along the boundaries which forms part of the proposal in the linked appeal¹ on the property would be sufficient to alleviate these concerns. From my own observations on site this is a conclusion with which I agree. This hedging can be secured by way of a condition.
9. Therefore, I consider that the development would not unacceptably harm the living conditions of the occupiers of Nos 6 and 8 Ashwood Avenue with particular regard to outlook and privacy. Accordingly, there would be no conflict with Policy 8 or 11 of the *Blackburn with Darwen Local Plan Part 2 (adopted December 2015)* which require that developments should ensure a satisfactory level of amenity for existing and future occupiers, and respect the wider context in which the development has taken place.

Conclusion and Conditions

10. For the reasons set out above, I conclude the appeal should be allowed.
11. As the development has already taken place, the majority of the standard conditions are not required, but as outlined above, in order to protect the living

¹ Appeal Reference APP/M2372/D/16/3155628

conditions of adjacent occupiers, a condition is necessary to secure adequate landscaping along the common boundary.

Alison Partington

INSPECTOR