
Appeal Decision

Site visit made on 29 November 2016

by B.Hellier BA(Hons) MRTPI

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

Decision date: 20th December 2016

Appeal Ref: APP/M2372/D/16/3161461

5 Mossdale, Blackburn, BB1 5HN

- 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 Ashwin Mojaria against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/16/0274, dated 18 March 2016, was refused by notice dated 4 August 2016.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is dismissed.

Main issue

2. I consider the main issue is the effect of the side extension on the outlook from the side bedroom window in No.6/7 Mossdale.

Reasons

3. The appeal property is semi-detached. The appellant is disabled with severe lack of mobility. It is proposed to extend at the side to provide a ground floor disabled bathroom/toilet and kitchen enlargement and a first floor therapy room with a hydro bath. The extension would be built up to the side boundary.
4. In 2012 the neighbouring semi-detached property (No.6/7) was converted into a single dwelling and extended at both ground and first floor to the rear. The conversion includes a bedroom served by a single window in the side of the house. At present the separation distance between this window and the side gable elevation of No.5 is about 5m. If the proposed extension were to be built the distance would be halved resulting in an oppressive outlook for someone in the bedroom. Council guidance¹ recommends 13.5m between a habitable room and a blank wall.
5. Currently the bedroom window has a decorative blind which as well as giving privacy² reduces light in the room. With the proposal the side wall of the extension would be blank so this blind would not be necessary and could therefore be removed. The appellant has produced daylight calculations which suggest that in these circumstances there would be an increase in daylight. However the outlook would still be unacceptably oppressive.

¹ Blackburn with Darwen *Residential Design Guide Supplementary Planning Document* Adopted September 2012

² There is an overlooking landing window in the side gable elevation of No.5

6. Almost invariably semi-detached houses are built with an outlook to the front and rear. There may be bathroom or stair windows in the side elevation but it is normally possible to extend to the side without impacting adversely on the outlook of the adjacent property. When a habitable room window was introduced into the side elevation of No.6/7 in 2012 this effectively removed the opportunity for the appellant to extend at two storey height to the side. I understand why he is aggrieved. Nonetheless that is what has happened. I have to deal with living conditions as they are now.
7. The need of the appellant for suitable facilities is acknowledged and attracts some weight. However dismissing this appeal would not rule out improved provision although it would mean considering a reduced scheme whereby any new disabled provision would be likely to be on the ground floor.
8. I find that the proposed extension would have a significant adverse effect on the outlook from the first floor side bedroom window in No.6/7 Mossdale. This would be contrary to Policy 8 of the Local Plan Part 2¹ which seeks to achieve a satisfactory level of amenity for surrounding uses.
9. For the reasons given above I conclude that the appeal should be dismissed.

Bern Hellier

INSPECTOR

¹ Local Plan Part 2: *Site Allocations and Development Management Policies*. Adopted December 2015