
Appeal Decision

Site visit made on 13 December 2016

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 21 December 2016

Appeal Ref: APP/M2372/W/16/3158511
19 Harwood Gate, Blackburn, BB1 5HP

- 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 Sanaullah Ismail Ahmed against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/16/0314, dated 15 January 2016, was refused by notice dated 13 June 2016.
 - The development proposed is the re-conversion to two separate dwellings with associated extensions.
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Decision

1. The appeal is allowed and planning permission is granted for the re-conversion to two separate dwellings with associated extensions at 19 Harwood Gate, Blackburn, BB1 5HP in accordance with the terms of the application, Ref 10/16/0314, dated 15 January 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: BB131 -100-A; -101 and Location Plan.
 - 4) Notwithstanding the details contained on the approved plans and before the window is glazed, details of an obscure glazing scheme, including window openings, for the new window to Bedroom 1 shall be submitted to and approved in writing by the local planning authority. Window openings shall be no lower than 1.7m above the height of the floor within the bedroom. The window shall be fitted and glazed in accordance with the approved details and shall remain as such thereafter.

Main Issue

2. The main issue is the effect of the proposed extensions upon the living conditions of the occupiers of neighbouring dwellings in respect of privacy, outlook and light.
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Reasons

3. The Council has no objection to the proposed change of use of the single dwelling to 2 separate dwellings and I have no reason to find otherwise. However, the refusal relates to the proposed single storey rear extension to what would remain the rear of No 19 and a proposed 2-storey side extension to what would become No 21.
4. The proposed single storey rear extension would be alongside the common boundary and would project some 3.3m beyond the neighbouring patio doors. I appreciate that the 45 degree line would be breached by this extension. However, there is already a tall and mostly solid wooden fence on the common boundary. Therefore, although the extension would project above the fence, due to its modest, single storey structure, I do not consider that it would have a harmful effect upon the amount of light to the adjoining house or upon the outlook from within it.
5. The 2-storey side extension would be built within a recess and would not project any further than the existing main side elevation of the house which already contains several first floor bedroom windows. The bedroom window in the proposed extension would directly face habitable room windows to a 3-storey property, No 31 Moss Street. According to the Council, the existing distance between No31 and the recess is around 13m and the extension would reduce the distance to some 8m. I appreciate that the Council normally requires 21m between facing habitable room windows. However, the proposed bedroom window would be in addition to an existing one and therefore, if the new one were to be obscure glazed the extension would not cause additional overlooking to this property. Furthermore, the conservatory at No 31 is screened from the rear elevation of the appeal property by a large shed. In addition, the appeal house is built on much lower ground than No 31 which would substantially mitigate the effect of the extension upon this neighbouring property.
6. I therefore conclude that the proposed extensions would not harm the living conditions of the occupiers of neighbouring dwellings. Consequently, I find no conflict with Policy 8 of the Blackburn with Darwen Local Plan Part 2 Site Allocations and Development Management Policies and Supplementary Planning Document Policy RES E7 which, together, seek to ensure a satisfactory level of amenity for surrounding occupants.

Conditions

7. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition it is necessary, in the interests of precision, to define the plans with which the scheme should accord. A condition concerning external materials is required in the interests of the character and appearance of the area. A glazing condition is necessary in the interests of privacy.

Conclusion

8. I have considered all other matters raised but none outweigh the conclusions I have reached and the appeal is allowed subject to conditions.

Siobhan Watson

INSPECTOR