

Appeal Decision

Site visit made on 14 July 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 20th July 2017

Appeal Ref: APP/M2372/D/17/3175498
27 Balaclava Street, Blackburn BB1 7HW

- 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 Mustaq Patel against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/16/1325 was refused by notice dated 30 March 2017.
 - The development proposed is the erection of a rear first floor extension.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 25 and 29 Balaclava Street and 36 Oswald Street with particular regard to light.

Reasons

3. The appeal property is a mid-terrace house that has a single storey flat roof rear projection. It is located within a tightly knit built up area within which back-to-back residential terraces predominate. The proposal is to introduce an additional storey above the existing rear projection with a dual pitched roof and a ridge set noticeably below that of the host building.
 4. Of the properties close to the site it is the occupiers of 25 and 29 Balaclava Street, situated on either side of the appeal dwelling that are most likely to be affected by the proposed development. Because the new addition would be broadly to the north of No 25 there would be no significant loss of sunlight to this attached property. On the other side of the site, the proposal would result in a 2-storey blank wall up to and parallel with the shared rear boundary with No 29. In the rear elevation of No 29 is a first floor window from which the proposal would be evident at close range albeit at an oblique angle. From what I saw, this window is likely to provide the main source of natural light to and outlook from a habitable room.
 5. There would be an appreciable loss of sunlight to the room served by this window for a major part of the day. That loss of sunlight would be due to the shadow cast by the proposal situated just to the south. The reduced level of light reaching the room served by the window would feel oppressive and
-

- uninviting for the occupiers of this neighbouring property. According to the Council, the proposal would also project beyond a line drawn at 45-degrees from the centre of the windows of No 29 and this reinforces my view with regard to the harmful impact of the appeal scheme.
6. According to the Council, the gap between the proposed extension and the rear elevation of 36 Oswald Street would fall short of the minimum separation distance recommended in its Supplementary Planning Document (SPD), *Residential Design Guide*. The rear of this nearby property backs onto the alley that runs beyond the site. Nevertheless, a reasonable distance would separate these dwellings and so the proposal would not cause an undue loss of light to the occupiers of No 36. Consequently, a conflict with a part of the SPD would be insufficient in itself to withhold planning permission if the proposal were acceptable in all other respects.
 7. Notwithstanding my findings in relation to the occupiers of Nos 25 and 36, I conclude on the main issue that the proposed development would materially harm the living conditions of the occupiers of No 29. Accordingly, it conflicts with Policy 8 of the Local Plan Part 2, Site Allocations and Development Management Policies insofar as it aims to safeguard residential amenity. It is also at odds with a core principle of the National Planning Policy Framework, which is to always seek to secure a good standard of amenity for all occupants of land and buildings.
 8. I also saw that several nearby properties on Balaclava Street and Oswald Street included 2-storey rear projections, including those to which the appellant has referred and provided photographs. Particular reference is made to a first floor rear extension at 34 Oswald Street that the appellant states was granted planning permission. However, few background details have been provided of this or any other case and so I cannot be sure that their particular circumstances are the same as the proposal. Furthermore, it is the specific relationship between the new 2-storey sidewall and the rear first floor window of No 29 that is objectionable in this case.
 9. The Officer's report records that others raise no objection. However, a lack of objections does not necessarily indicate that the development sought is therefore acceptable. The appellant also states that the occupiers of the two adjoining properties support the proposal. Nevertheless, my assessment takes into account future as well as existing occupiers of nearby properties.
 10. Once complete, the additional accommodation would enhance the living conditions of the occupiers of No 27 and enable the appellant to stay in the local area. I note that relocation is not financially viable to the appellant. However, these considerations do not outweigh the harm that I have identified.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR