



Appeal Decision

Site visit made on 18 June 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 18th July 2019

Appeal Ref: APP/M2372/D/19/3225221

10 Finch Close, Blackburn BB1 6EW

- 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 Faisal Sharif against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/18/1117, dated 19 November 2019, was refused by notice dated 22 January 2019.
 - The development proposed is erection of part double part single storey rear extension and detached outbuilding/ store room.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal is described in the application form as 'erection of double storey with single storey and detached garage extension to the rear'. However, the proposal was amended during the processing of the application to remove the garage. I have therefore adopted the description of the development in the banner heading above from the Council's decision notice and the appeal form as this more accurately describes the appeal scheme before me.

Main Issues

3. The main issues are the effects of the proposed development on:
 - i) The character and appearance of the host property and the area;
 - ii) The living conditions of the occupiers of No 9 Finch Close, with particular reference to light; and
 - iii) Highway users, with particular regard to the communal parking area to the rear of the property.

Reasons

Character and appearance

4. No 10 Finch Close is a 2 storey end of terrace dwelling on the corner of Swallow Drive and Finch Close. The terrace comprises similar properties, with simple rear elevations and roofs, on staggered building lines. Notwithstanding the school on the opposite side of Swallow Drive and the varied sizes and styles of dwelling elsewhere in the area, No 10 is part of a grouping of properties of

similar styles, sizes and building materials which result in a consistent and regular character and appearance to the area. There is a conservatory to the rear elevation of the appeal property.

5. Although the proposed extension would not be overly long and the ridgeline of the 2 storey part would be set below the ridgeline of the host property, it would nevertheless be a large and bulky addition that would not appear subservient to the host property. As a result of its prominent location, it would be a noticeably dominant feature that would not respect the original simple rear elevation. It would not be in keeping with the surrounding properties and it would disrupt the consistency of the terrace. Although the detached outbuilding would be screened to some extent by the boundary walls and gate, there would be a cumulative visual impact in combination with the proposed rear extension. Consequently, the appeal scheme would result in a cluttered form of development that would not respect its surroundings or make a positive contribution to the streetscene.
6. Therefore, by virtue of its size and scale, massing and design, the proposed development would result in significant harm to the character and appearance of No 10 Finch Close and the area. It would conflict with Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2 Site Allocations and Development Management Policies Adopted December 2015 (the Local Plan) which requires, among other things, that development contributes to and complements established local character, having regard to factors including building shapes and styles, and respects the scale and massing of existing buildings and the townscape. It would also conflict with Policy RES E5 of the Blackburn with Darwen Borough Council Residential Design Guide Supplementary Planning Document (September 2012) (the SPD) which seeks to avoid residential extensions that result in overdevelopment of the plot.

Living conditions of the occupiers of No 9 Finch Close

7. No 9 Finch Close has planning permission (ref 10/18/0960) for a single storey rear extension, with patio doors serving a habitable room. At the time of my visit, I observed that the extension had been constructed. It is separated from the appeal property by a tall boundary wall.
8. The single storey part of the appeal scheme extension would be set slightly back from the shared boundary and it would project beyond the neighbouring extension. The submitted floor plans indicate that it would not breach the 45 degree rule in respect of the neighbouring windows. However, it would be taller than the boundary wall and it would be in excess of the height of the adjacent windows. As a result of the orientation of the terrace, its height and length and close relationship with the neighbouring property, the proposed extension would result in a loss of daylight, and sunlight, to the rear of No 9 and the closest ground floor habitable room window. Consequently, the proposed development would have a detrimental impact on the living conditions of the occupiers of the neighbouring property.
9. The appellant has pointed out that the single storey part of the proposed extension is slightly shorter and not much longer than could be constructed using available permitted development rights. While this may be so, there is no evidence before me to indicate that such an extension would be constructed if the appeal should fail. This is not therefore a valid fallback position in this case.

against which the appeal scheme should be assessed, and consequently I have attached limited weight to this aspect of the appellant's case.

10. I conclude that the proposed extension would result in significant harm to the living conditions of the occupiers of No 9 Finch Close, with particular regard to loss of light. It would conflict with the residential amenity aims of Policy 8 of the Local Plan, with particular reference to light and the relationship between buildings. It would also conflict with the advice of RES E7 of the SPD which requires extensions to avoid unacceptable impacts on neighbours.

Effects on the communal parking area

11. There is a small communal parking area to the rear of Nos 9 and 10 Finch Close, which is part of the adopted highway. At the time of my visit, the part directly behind No 10 Finch Close was being used for vehicular parking, while the part behind No 9 was occupied by a skip. I also saw signage which confirms that the parking spaces are subject to resident permit holder restrictions.
12. The scheme that was originally applied for included a detached garage with the garage door facing sideways onto the parking spaces to the rear of this part of the terrace. As a result, vehicular access to the garage would have resulted in conflict with the use of the parking spaces.
13. The scheme was subsequently amended to remove the garage and associated new vehicular access. Neither the proposed extension nor the detached outbuilding would directly affect the parking area. However, the part of the parking area immediately to the rear of No 10 is nevertheless part of the appeal site and it is indicated on the submitted plans as a driveway providing vehicular access to the rear of the property. Irrespective of the fact that the appellant has stated that he is not seeking to incorporate this area into the property and that no change of use of the area has been proposed, its use as a private driveway to serve the property would not be compatible with its function as a communal parking space.
14. I therefore find that the proposed driveway to the rear of the appeal property would conflict with communal parking area to the rear of the appeal site, resulting in harm to users of the public highway. Consequently, it would conflict with Policy 10 of the Local Plan which requires development to demonstrate that the safe, efficient and convenient movement of all highway users is not prejudiced.

Other Matters

15. My attention has been drawn to the appellant's personal circumstances, including his large family and his health issues. I acknowledge that the proposal would increase the size of the internal living accommodation, although principally on the ground floor and at the expense of outdoor garden space. There would be no increase in the number of bedrooms and only a relatively modest increase in the size of one bedroom. There is limited evidence before me to demonstrate how the proposal would fundamentally alter the suitability of the property to accommodate a large family.
16. Moreover, while I appreciate that the garage proposed as part of the original scheme would have been a benefit to the appellant in terms of securing convenient access to the property, the scheme before me does not appear to

include any modifications such as might be required to accommodate the appellant's health requirements.

17. Furthermore, there is little before me to demonstrate that alternative proposals which could similarly provide additional accommodation for the family and better meet the needs of the appellant, have either been investigated or rejected. I cannot therefore be satisfied that there is no alternative scheme which could deliver similar benefits without conflict with the development plan. On this basis of the evidence before me, I am not therefore persuaded that the personal circumstances of the appellant are a matter of sufficient weight to outweigh the harm I have identified.
18. While I acknowledge that neighbours have not objected, I am required to be mindful of the effects of the proposal over its lifetime. The absence of objections therefore carries little weight in my determination.

Conclusion

19. Therefore, for the reasons set out above, the appeal should be dismissed.

Sarah Manchester

INSPECTOR