



Appeal Decision

Site visit made on 13 August 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Appeal Ref: APP/M2372/D/19/3230286

42 Lammack Road, Blackburn, Lancs, England BB1 8JN

- 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 Hasan Musa against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/19/0052, dated 18 January 2019, was refused by notice dated 15 March 2019.
 - The development proposed is the conversion of hipped roof to form gable ends, raising the ridge height, new front porch and formation of hardstanding area to front garden.
-

Decision

1. The appeal is dismissed insofar as it relates to the proposed conversion of hipped roof to form gable ends and raising the ridge height.
2. The appeal is allowed insofar as it relates to the new front porch and formation of hardstanding area to front garden and planning permission is granted for the new front porch and formation of hardstanding area to front garden at 42 Lammack Road, Blackburn, Lancs, England BB1 8JN in accordance with the terms of the application, Ref 10/19/0052, dated 18 January 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3292 01 – Existing Floor Plans; 3292 02 – Existing Elevations; 3292 03 – Proposed Floor Plans & Existing Roof Plan; 3292 04 – Proposed 2nd Floor Plan & Roof Plan; 3292 05 – Proposed Cross Section A-A; 3284 06 – General Construction Notes; 3284 07 – Proposed Elevations; and Location Plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

3. In Part E of the appeal form it is stated that the description of the development has not changed. However, the wording from the Council's decision notice has been entered rather than that from the application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the

Council's decision notice for completeness because the description on the application form did not refer to the proposed formation of the hardstanding area to the front garden.

4. At the time of my site visit, I saw that the development of the porch and hardstanding had commenced. Work on the proposed roof alterations, indicated on the submitted plans, did not appear to have begun. For clarity I have assessed the proposals based on the plans submitted with the application.
5. The decision notice included a single reason for refusal which related to the effect of the proposed roof alteration. No reference was made to the porch or hardstanding, notwithstanding that the delegated officer report raised concerns regarding the impact of those two elements of the scheme. Thus, there is some uncertainty in the Council's position. However, the appellant has had the opportunity to comment on the Council officer's report and I have taken the comments within it into account in reaching my decision. In other words, I have addressed the effect of all aspects of the scheme within my reasoning below.

Main Issue

6. The main issue in this appeal is the effect of the proposals on the character and appearance of the area.

Reasons

Character and Appearance

7. The appeal property is a detached two-storey house located within a residential area where there is no one discernible style of architecture. However, the property forms 1 of 3 houses of a similar style that step up with the topography from Harrier Drive. Each of the 3 properties have half-hipped roofs with horn detailing on the ridge. Although there are some differences in the houses, there is a consistency in the vernacular of the 3 properties which contributes to the character of the street.
8. The proposed increased height and replacement with a gable presentation would create a dominant roof form when viewed adjacent to the neighbouring property on the lower ground level. The increased pitch and height, and loss of the half-hipped detailing to form gable ends would disrupt the spatial pattern of the 3 properties as they step up in the street scene. The resulting scale and form of the roof structure adjacent to the neighbouring property on the lower ground level would, in my view, appear as an incongruous addition. Though not significant in isolation, this would be compounded by the proposed loss of the horn detailing.
9. I appreciate that the next property up the hill has a different architectural style and would remain higher than the proposed development. However, there is a large gap between this neighbouring property and the appeal site. Due to the degree of separation, bend in the road and orientation of this property, it is not viewed as a collective in the same way as the appeal property is viewed with the 2 neighbouring houses stepping up from Harrier Drive.
10. In support of the appeal, my attention was drawn to No 2 West Leigh Road and the extensions and alterations to that property. However, I do not have the full details of the circumstances that led to that proposal being accepted and so

cannot be sure that it represents a direct parallel to the appeal proposal. From my observations on site, No 2 West Leigh Road is located on a corner plot with a large separation distance to the neighbouring property. This distinguishes it from the relationship of the appeal property to its neighbouring buildings. In any event, I am required to consider the proposal on its own merits and my concerns do not relate to the principle of redeveloping the existing property. Instead my concerns relate to the relationship of the resulting development within the street scene, in this specific context with the appeal property and its 2 neighbouring houses.

11. The appellant suggests that the half-hipped roof form could be lost as permitted development. However, I have no substantive evidence to indicate that there is a significant probability that this would be undertaken should this appeal be dismissed. This limits the weight that I can attach to it as a fallback position.
12. I therefore conclude that the proposed conversion of the hipped roof to form gable ends and raising the ridge height would conflict with Policy 11 of the Blackburn with Darwen Local Plan Part 2 Site Allocations and Development Management Policies Adopted December 2015 (LP) and the Council's Residential Design Guide Supplementary Planning Document 2012 (SPD). Policy 11 of the LP aims to ensure that development positively contributes to the character of the area through good design. I consider that this policy is consistent with the provisions of the National Planning Policy Framework (the Framework) and can therefore be given substantial weight.
13. With regards to the proposed porch, along the road I observed a number of different styles of porches and properties with and without canopies. The proposed porch would be of modest proportions, matching materials and with a lean-to roof which would appear compatible with the character and appearance of the host dwelling. Photographic evidence shows a timber canopy that previously existed above the front door. However, I note that the neighbouring property does not have a canopy. In any event given that I have concluded that the proposed replacement porch would be acceptable, it therefore follows that the removal of the canopy is also acceptable.
14. With regards to the hard surfacing of the front garden, photographic evidence provided by the Council shows that the previous vegetation made a positive contribution to the street scene. However, the garden is not particularly large and although the proposals seek to hard surface the full frontage this would not result in a substantial amount of hardstanding overall. The proposed hardstanding would not be an uncommon sight in a residential area such as this.
15. I conclude that the proposed front porch and formation of the hardstanding area to the front garden would not have a harmful effect on the character and appearance of the area. I therefore conclude that these aspects of the proposals would comply with Policy 11 of the LP, the Council's SPD and paragraphs 127 and 130 of the Framework which broadly seek to secure high quality design.

Other Matters

16. Construction could cause some disruption, but this would be temporary and could be mitigated by careful construction management. Concerns have been

raised by a neighbour regarding the construction effects from works to date at the appeal site. However, any damage caused to property during construction is a private matter between the parties involved.

17. I accept that the appellant, is seeking to make an effective use of an existing dwelling. I understand that extending the property might meet the appellant's need for increased accommodation. I also note that the appellant has made changes to their scheme following the refusal of an earlier planning application with the view to finding a solution. However, personal circumstances will seldom outweigh more general planning concerns and the appellant's desire to extend the property does not outweigh my concerns relating to the character and appearance of the area.

Conditions

18. I have considered the Council's proposed conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition, a condition is necessary to ensure the development is carried out in accordance with the plans submitted with the application. A condition to ensure that the materials match those used on the original dwelling is necessary in the interests of the visual amenity of the area.

Conclusion

19. The front porch and formation of hardstanding area to the front garden are clearly severable both physically and functionally from the proposed roof alterations. Accordingly, for the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the front porch and formation of hardstanding area to the front garden but dismissed insofar as it relates to the proposed conversion of the hipped roof to form gable ends and raising the ridge height.

Robert Walker

INSPECTOR