



Appeal Decision

Site visit made on 17 March 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2020

Appeal Ref: APP/M2372/D/19/3242639
142 Redlam, Blackburn BB2 1UW

- 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 Ammad Ur-Rahman against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/19/0718 dated 24 July 2019, was refused by notice dated 11 November 2019.
 - The development proposed is described as “formation of a driveway and creation of a vehicular crossing”.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The proposal has been partially completed, with the hard standing laid at the front and side of the garden area and the opening in the boundary wall widened. The hardstanding element has been completed under permitted development rights and as such the appeal does not relate to this element of the proposal.

Main Issue

4. The main issues are:
 - (i) the effect of the proposed development on the safe and efficient operation of the highway network in the vicinity of the appeal site; and
 - (ii) the impact of the proposal on the character and appearance of the surrounding area.

Reasons for the Recommendation

Highway Safety

5. The appeal site forms part of a group of terraced properties situated on the northern side of Redlam within an area characterised by its residential nature. The

proposed development relates to the creation of a vehicular access to the front of the appeal property from Redlam.

6. The appeal site is located at a complicated section of the highway. It is situated in close proximity to a set of crossroads where Redlam meets Rutland Street. Travelling east from the appeal site there is a slight curve in the road, but when travelling west just past the crossroads this bend is more pronounced such that there is limited visibility of oncoming traffic. Furthermore, I observed that Redlam is subject to busy and constant traffic flows, with vehicular parking a common feature along the northern side of the highway.
7. As a result of the nature of this section of the road, and the presence of parking either side of the proposed entrance to the appeal site, vehicles exiting the site would need to do so slowly and emerge part way into the highway to assess if a vehicle is approaching. Similarly, the nearby presence of the corner junction with Rutland Street and the fact that the proposal would represent a break in the footpath would require drivers to be particularly vigilant of pedestrians in the nearby area.
8. While acknowledging the lowered walls along the side boundary of the property, drivers using the access would nonetheless have insufficient visibility and warning of vehicles on the main road, and use of the access would also require a heightened awareness of surrounding pedestrian movements. Poor visibility of the entrance itself could also result in sharp, sudden turns being made from the highway into the site due to the access being obscured by parked cars. The additional vehicular manoeuvres arising from the proposal would impede traffic flows and could lead to an unacceptable risk of collisions.
9. The appellant has submitted plans showing there would be sufficient space within the site to accommodate the parking and turning of a single car and thus prevent reversing movements onto the highway. However, should more than one car be parked at the appeal site, the vehicles would be unable to enter and exit in a forward gear and would have to reverse into or from the highway, which has the potential to increase collision risk. In any event, it would still be the case that drivers using the access in a forward gear would have insufficient visibility.
10. Furthermore, the proposal would lead to reduction of available car parking space along the northern side of Redlam, which is well used by drivers for this purpose and which the Council claims would prejudice neighbouring residents. While the impact of this would be minimal due to the limited scale of the proposal it could nonetheless lead to slower flows of traffic as drivers assess the availability of spaces in front of the appeal site, and to an increased concentration of parked vehicles elsewhere in the area. Both of these elements have the potential to negatively impact on the highway safety within the area.
11. Accordingly, the proposal would lead to unacceptable impacts on the safe and efficient operation of the highway network in the vicinity of the appeal site. As such, it would fail to comply with Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2 Site Allocations and Development Management Policies, adopted December 2015.

Character and appearance

12. Redlam is lined with a largely unbroken row of properties that vary in size and design, but which retain a consistency in terms of architecture, materials and

character along the northern side. Of particular note on this side of the street is the low-level boundary walls, fences and hedging which separate the properties from the footpath, creating a level of coherence between the dwellings when viewed from the street.

13. In the reasons for refusal the Council has stated that the removal of the boundary wall enclosing the front gardens of the appeal property has a detrimental impact on the character and appearance of the surrounding area. However, it is clear from the plans submitted by the appellant that the proposal will not involve the full removal of the boundary wall.
14. Nonetheless, the opening present in this front wall at the property has been significantly widened by the proposal to such an extent that it now appears out of place in the surrounding area. The properties immediately surrounding the appeal site benefit from small openings to the front boundaries to allow pedestrian access, primarily through a gate. The large opening at the appeal site to accommodate a vehicle appears incongruous in this context and fails to respect the prevailing proportions and style of the group of dwellings within which it sits.
15. Accordingly, the proposal would fail to respect the character and appearance of the surrounding area. As such, it would fail to comply with Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2 Site Allocations and Development Management Policies, adopted December 2015.

Other considerations

16. Reference has been made to other examples of similar development in the surrounding area. While consistency in decision making is an important consideration, I must also consider the effect of the development on highway safety and the character and appearance of the surrounding area with regard to the adopted development plan. The other properties with driveways that have been referred to appear to be of some vintage, some of which may pre-date the planning system. Thus, it is not clear if planning permission was granted for those examples and, even if that was the case, the context in which those developments were carried out would not be directly comparable to the present appeal in terms of traffic conditions at the time, or the precise position on the highway network. I have considered this appeal on its own site-specific circumstances and, in view of the degree of harm I have identified, the reference to other development nearby does not outweigh this.
17. The personal circumstances of the appellant are also acknowledged, whereby there is a lack of available space for vehicular parking. However, personal circumstances will seldom outweigh more general planning considerations and the fact that residents may not be able to park directly outside their home is not unusual in terraced properties in urban areas. Those matters do not attract sufficient weight in planning terms to override the harm that would arise.
18. The appellant has further stated that the application was initially being recommended for approval. However, no evidence has been provided to show that this is the case and in any event the Council's Decision Notice has, in accordance with the officer recommendation, refused planning permission for the proposal.

Conclusion and Recommendation

19. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

C Preston

INSPECTOR