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## Appeal Decision

Site visit made on 6 October 2020

**by Sarah Manchester BSc MSc PhD MEnvSc**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> November 2020**

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**Appeal Ref: APP/M2372/W/20/3255327**  
**70 Colenso Road, Blackburn BB1 8DR**

- 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 Yunus Golita against the decision of Blackburn with Darwen Borough Council.
  - The application Ref 10/20/0136, dated 11 February 2020, was refused by notice dated 24 April 2020.
  - The development proposed is demolition of existing house and new build house.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Additional drawings (Proposed Outbuilding, ref BB251-205) have been submitted to illustrate the detached single storey outbuilding. These were not considered by the Council. Nevertheless I am satisfied that it has been provided with the opportunity to comment upon the plans through the appeal process. Therefore, I have had regard to the plans.

### Main Issues

3. The main issues are:
  - i) The effects of the proposal on the living conditions of the neighbouring residential occupiers of Nos 239 and 241 Shear Brow, with particular regard to outlook and light; and
  - ii) Whether or not there would be adequate parking provision, with particular regard to on-street parking pressure.

### Reasons

4. No 70 is a 2 storey semi-detached dwelling, set back from the junction of Colenso Road and Shear Brow behind 243 Shear Brow. It is set in a relatively deep and tapering plot with a detached single storey flat roof garage and an outbuilding to the rear.
5. The proposal would have the appearance of an extended 2 storey dwelling with a large single storey rear extension spanning nearly the full width of the property. The existing garage and outbuilding would be demolished and a 2.3 metre high flat roof outbuilding would be constructed against the boundary fences that enclose the rear of the plot.

### *Living conditions*

6. The long side boundary of the appeal site abuts the boundaries of 237-243 Shear Brow, which are modest 2 storey semi-detached properties with private rear gardens enclosed by timber fencing. By virtue of its increased width and depth, the proposal has the potential to affect the residential occupiers of these neighbouring properties.
7. No 243 is 2 storey semi-detached property with a 2 storey rear extension. It occupies a tapering corner plot and it is set at an angle to, and forward of, the building line on Colenso Road. The proposal would not be directly behind No 243 and it would not result in any loss of privacy or overbearing impact to the occupiers of No 243.
8. The existing garage is close to and it extends along much of the boundary of No 237. The proposed outbuilding would be similarly close, but it would occupy only roughly half of the length of the boundary. Therefore, while it would be visible from No 237, it would not be markedly more obtrusive than the garage. The single storey rear extension would be closer to No 237 than the existing dwelling. Nevertheless, given the juxtaposition and separation of the 2 properties, the proposal would not be significantly overbearing and it would not result in a significant loss of light to the occupiers of No 237.
9. The corner of the single storey rear extension and the rear corner of the 2 storey side elevation would be roughly 0.5 metres from the boundary of No 239. The 2 storey side elevation with its small single storey side extension would be close to the boundary with No 241. There would be no direct overlooking between habitable room windows in the proposal and the rear elevations of Nos 239 and 241. Nevertheless, by virtue of its height, size and proximity, the proposal would be visually obtrusive and overbearing when viewed from the windows and rear gardens of these 2 properties.
10. The significant increase in the bulk of built development would diminish the outlook and it would result in a sense of enclosure to the neighbouring occupiers of Nos 239 and 241, including when enjoying their gardens. The proposal would also result in overshadowing of at least the gardens, if not the windows, of these properties with a consequent loss of sunlight and daylight for part of the day.
11. Therefore, the proposal would result in significant harm to the living conditions of the occupiers of 239 and 241 Shear Brow, with particular regard to outlook, overbearing and light. It would conflict with the residential amenity aims of Policy 8 of Blackburn with Darwen Borough Council Local Plan Part 2 Site Allocations and Development Management Policies Adopted December 2015 (the LP) and the Residential Design Guide Supplementary Planning Document Revised Edition Adopted September 2012 (the SPD).
12. The Council's evidence refers to Policy RES E3 of the SPD, separation distances for extensions to dwellings. However, the proposal would be a new dwelling which would fall to consideration under Policy RES 2G of the SPD. Irrespective, the proposal would have the appearance of an extended property and the separation distances apply equally to new dwellings and extensions.

### *Parking provision*

13. The proposal would reduce off-street car parking provision. In this regard, the plans illustrate 2 parking spaces, which is below the requirement for 3 vehicle and 2 bicycle parking spaces set out in Blackburn with Darwen Borough Council's Parking Standards Adopted April 2014. Therefore, assuming that 2 vehicles could be satisfactorily and conveniently parked immediately to the front of the dwelling, the proposal would result in overspill parking on the street.
14. Colenso Road is characterised by pairs of modest semi-detached dwellings that, as built, were separated by their respective private driveways. While the properties on the opposite side of the road are set further back from the street, the properties on the same side as No 70 have shallower frontages and correspondingly shorter driveways. Where properties are extended, including the attached No 68, this will already have resulted in an increased demand for parking but reduced availability of private parking.
15. There are restrictions on roadside parking towards the end of Colenso Road on its approach to Shear Brow. While there is unrestricted parking elsewhere along the street, this is in relatively short stretches between the frequent private driveways and frontage parking provision. Therefore, while the appeal scheme might only result in a demand for 1 additional on-street parking space, this is in the context of a street that already appears to be under a relatively high level of parking pressure.
16. Future occupiers and their visitors would seek to park close to the property, potentially displacing cars associated with neighbouring dwellings. The proposal is not so close to Shear Brow as to impact upon road safety at the junction. Nevertheless, the increased parking pressure would be detrimental to residential amenity and it would be likely to disrupt the free flow of traffic on the approach to the junction particularly at busier times of day. In the absence of information relating to the existing demand for on-street parking, the proposal does not demonstrate that overspill parking could be accommodated.
17. The property is in an accessible location with regard to public transport, such that future occupiers could access services and facilities on foot or by public transport. However, the ability to make shorter journeys by non-car modes of transport does not necessarily mean that future occupiers would not require parking for several vehicles. Moreover, while the 2011 census reported an average of 1 vehicle per household, there is nothing before me in relation to the numbers of cars associated with large 5 bed family dwellings. Therefore, while parking provision can vary depending on local circumstances, it has not been demonstrated that the Council's parking standards should not apply here.
18. Therefore, the lack of adequate parking provision and associated overspill parking would harm residential amenity and the safe, efficient and convenient movement of highway users. It would conflict with requirements of Policies 8, 10 and 11 of the LP in relation to the integration of car parking and the avoidance of conflict between users of the public realm. In this regard, it would also conflict with the residential parking aims of the SPD.

### **Other matters**

19. Neither design nor character and appearance are cited in the reasons for refusal. Nevertheless, the Council considers the proposal would be

- overdevelopment of the site, out of keeping with its surrounding, detrimental to local character and it would fail to provide adequate outdoor space.
20. The proposal would be large relative to its plot. However, from the front it would have the appearance of an extended 2 storey dwelling. In this regard, it would appear similar to other extended properties in the area. The roof would be in keeping with the prevailing hipped roof form in the area and, although not characteristic, the rooflights would not dominate the roofscape.
21. Due to the separation between the proposal and the properties on Shear Brow, the increased bulk of development would be visible from locations towards the end of Colenso Road. However, neither the single storey rear extension nor the outbuilding would be prominent in the street scene. The proposal would in any case be seen in the surrounding context of a densely developed urban area including the extended properties to either side.
22. The proposal would reduce the gap between the properties on Shear Brow. However, the gap is large, it does now allow important views and it is not repeated between semi-detached properties in the street. The rear gardens of the properties on Shear Brow would continue to provide an openness and sense of space to this part of the street. Consequently, while from a plan view the proposal would be out of proportion with its plot, it would not be significantly harmful to the street scene or the character and appearance of the area.
23. Policy 8 of the LP and Policy RES E5 of the SPD require satisfactory levels of amenity to meet the needs of occupiers in relation to outdoor space. The loss of the driveway would not affect space suitable for children's play, sitting out or the drying of laundry. The rear extension would protrude further into the garden than the existing property, but this would be mitigated to a degree by the siting of the outbuilding closer to the rear boundary than the garage and outbuilding which would be demolished. The rear garden would be a more usable family space in the absence of vehicle access and parking. Therefore, taking into account the current situation, the reduction in outdoor space would not be significantly detrimental to future occupiers. Nevertheless, the absence of conflict with some policies in the development plan does not weigh in favour of the scheme.
24. An earlier application (ref 10/19/0815) for a replacement dwelling was withdrawn and the scheme was amended to reduce its scale and massing. However, this has not been sufficient to mitigate the harm that I have found.

## **Conclusion**

25. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal should be dismissed.

*Sarah Manchester*

INSPECTOR