



Appeal Decision

Site visit made on 16 December 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2020

Appeal Ref: APP/M2372/D/20/3259795
28-30 Coniston Road, Blackburn BB1 5NP

- 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 Mohammed Zafer Turk against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/20/0719, dated 31 July 2020, was refused by notice dated 21 September 2020.
 - The development proposed is proposed front porch.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed front porch at 28-30 Coniston Road, Blackburn BB1 5NP in accordance with the terms of the application, Ref 10/20/0719, dated 31 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; and Dwg No: DGR-230720.
 - 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.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the surrounding area; and
 - The living conditions of the occupiers of No 32 Coniston Road (No 32) with particular reference to outlook, daylight and overshadowing.

Reasons

Character and appearance

3. The appeal property is a 2-storey mid-terrace dwelling. Having previously been 2 dwellings, it is somewhat unique in its size and appearance within the terrace group. On the opposite side of the road is a large residential retirement apartment building.
4. Most of the other properties in the terrace do not have porches. However, the adjacent property has a porch and I observed several examples of porches of

varying styles in the locality. Whilst the Council state that the adjacent porch does not have planning permission, I have no evidence either way regarding its lawfulness, and it does form part of the existing street scene.

5. Whilst there is some consistency within the terrace group, there is also variety and the surrounding area is also mixed. In this regard, whilst it would be prominent, would cover a front window and would add to the variety I do not consider that this would equate to harm.
6. Given the larger size of the host property, the proposed porch would appear a small addition and subservient in nature. Although facing brickwork was stipulated in the planning application, the appellant has confirmed that they would be prepared to use render to ensure that the materials matched the host property. As such, in relation to this particular property, I do not consider that the proposal would appear incongruous.
7. I therefore find that the proposal would not harm the character and appearance of the surrounding area. The proposal would therefore comply with the requirements of Policy 11 of the Council's Local Plan Part 2 (2015) (LP) and RES E16 of the Council's Residential Design Guide Supplementary Planning Document (2012) (SPD). These stipulate, amongst other things, that all new development will be required to present a good standard of design.

Living conditions

8. RES E2 of the SPD stipulates that the Council will normally implement the so called '45 degree' rule but that each application will be dealt with on its individual merits. I have no substantive evidence as to the extent of any loss of light, and I note the appellant's evidence regarding the '45-degree rule'.
9. The ground floor window at No 32 is located closest to the proposed porch but is offset from the common boundary. The proposal would be single storey, with a hipped roof sloping away from the boundary, projecting out at only 2m it would not be a dominant built form. As such, I do not consider that the proposal would significantly harm the outlook or result in a significant loss of daylight or significant level of overshadowing to the nearest window.
10. I therefore find that the proposal would not harm the living conditions of the occupiers of No 32 with particular reference to outlook, daylight and overshadowing. The proposal would therefore comply with the requirements of Policy 8 of the LP and the objectives of RES E2 of the SPD. These stipulate, amongst other things, that development will be permitted where it can be demonstrated that it would secure a satisfactory level of amenity for surrounding uses.

Conditions and Conclusion

11. In addition to the standard implementation condition, it is necessary to define the plans in the interests of precision. A condition in respect of materials is also necessary in the interests of the visual amenity of the area.
12. For the reasons given above, and having regard to all matters raised, the appeal is allowed.

Robert Walker

INSPECTOR