



Appeal Decision

Site Visit made on 26 August 2021

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/M2372/W/21/3275902

Land off Accrington Road, Blackburn, Lancashire

- 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 Towers Group Ltd against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/20/1159, dated 26 November 2020, was refused by notice dated 10 March 2021.
 - The development proposed is described as 'Erection of 3 number terrace style dwelling houses on vacant land off Accrington Road'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been provided with an opportunity to comment on the revised Framework and its relevance to the determination of this appeal.
3. The application form does not provide a site address. I have therefore used the address provided in the Council's decision notice and the appellant's appeal forms in the banner heading above.

Applications for costs

4. An application for costs was made by Towers Group Ltd against Blackburn with Darwen Borough Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

6. The appeal relates to an irregular shaped piece of grassland that contains a number of trees and is situated adjacent to a bus stop and in a prominent raised position near to the junction of Accrington Road and Bank Lane. The character of the surrounding area is predominantly residential comprising a mixture of two storey terrace and semi-detached properties of various styles. Despite this variety, they are laid out in a roughly linear manner with their back garden areas located directly to their rear.

7. The topography is such that Bank Lane rises from the junction with Accrington Road up to and beyond the appeal site. As a result, the ground floor levels of the immediate neighbouring terrace dwellings on the southern side of Accrington Road are situated above this highway. Access to their frontages are provided by combined retaining walls with steps. The rear yards of these terrace properties are also set well back from Bank Lane with intervening trees and shrubbery providing a relatively green and soft edge to this part of the highway.
8. The proposed dwellings are designed so that they would be split level. However, they would not have the combined front retaining walls and steps. Instead, it is proposed to excavate a large proportion of the site to provide flat garden areas to the sides and rear of the proposed row of houses.
9. I recognise that split level properties are not unusual in an urban area and by cutting into the land vehicular access and driveways would be able to be provided at first floor level off Bank Lane. Nonetheless, the main garden area to the mid terrace property at Plot 2 would be positioned to the south east corner of the site, appearing disjointed and at odds with the prevailing pattern of garden layouts in the vicinity. It would also abut the back edge of the Bank Lane footway and would be required to be accessed via a proposed walkway under Plot 2's first floor driveway. Whilst this garden would be usable, given the difference in levels between the proposed side garden areas and Bank Lane, the proposed excavation works would result in the requirement for significant new retaining walls to be provided along their rear boundaries.
10. Although little detail has been provided in regard to the finishes of the retaining walls, it is likely that these would have a hard utilitarian appearance which in combination with their considerable height and massing would not be the most sympathetic solution in architectural terms. On my site visit I noted that the retaining walls would not be readily apparent along Bank Lane. However, they would be plainly visible from the large gap in between the proposed dwellings and the neighbouring terrace row when viewed from Accrington Road. Given the proposed low level front boundary treatment they would also be apparent from a number of neighbouring properties and the proposed tarmac path that would be positioned to the eastern side of the site. The proposed retaining walls would thereby appear as prominent, stark and conspicuous features that would detract from the character and appearance of the locality.
11. Whilst the submitted plans show an estate type fencing to ensure clear visibility, these would not be of a sufficient height and design to ensure that an undue loss of privacy for the future users of these garden areas would not occur, particularly from overlooking by pedestrians walking along the footway on the northern side of Bank Lane. As such a taller more solid boundary treatment would be likely to be necessary along the Bank Lane frontage. The erection of this, on top of the retaining walls, and on a prominent stretch of the road where no hard boundary treatment exists, would also appear incongruous in the street scene.
12. Furthermore, the two storey western side elevation of the proposal would not contain any openings thereby offering a blank and unattractive frontage in a prominent gateway location. I appreciate that the gable elevation of the neighbouring terrace row to the east only has one small first floor window, however this does offer some natural surveillance of the nearby bus stop and

Accrington Road. Conflict would therefore arise with advice contained within the Councils Supplementary Planning Document titled 'Residential Design Guide' (SPD) which sets out that attractive frontages to both aspects at corners should be seen to be integral to any new housing layouts as they can help increase natural surveillance and maintain a continuity of frontage.

13. In light of all the factors above, the configuration of the proposed development would appear contrived and would not be of a high standard of design. As such I find that the proposal would have a significantly harmful effect on the character and appearance of the surrounding area. It thereby conflicts with Policy CS16 of the Blackburn with Darwen Core Strategy (2011) (Core Strategy) and Policy 11 of the Blackburn with Darwen Local Plan Part 2 (2015). Together, these require all new development to be of a good standard of design and to make a positive contribution to the local area having regard to context and character. It would also not accord with design advice contained within the Council's SPD.

Other Matters

14. In reaching my findings I have had regard to the contribution that the modern family housing would make to the supply of housing in the area. However, given that the proposal is only for three dwellings, any benefits in this respect would be contextually small.
15. I note the location of the appeal site in an 'Inner Urban Area' relative to bus stops, local services and facilities, and its compliance with Core Strategy Policies CS5 and CS7. It has also been put to me that the Council does not have a design code and that the proposal would be an efficient and effective use of land that would be relatively high density and provide sufficient off street car parking and a reasonable amount of private garden space above that of neighbouring terrace properties. In addition, I recognise that the Council has not raised any objections in respect of residential amenity. However, these matters did not appear to be contentious in the appeal, and would also be neutral factors which accordingly cannot, by definition, be used to weigh against harm.
16. All of these matters would therefore not overcome or outweigh the harm that I have found that the proposal would cause to the character and appearance of the area.

Conclusion

17. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should therefore be dismissed.

Mark Caine

INSPECTOR