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# Appeal Decision

Site Visit made on 9 November 2021

**by S Dean MA MRTPI**

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

**Decision date: 16 November 2021**

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**Appeal Ref: APP/M2372/D/21/3277515**

**848 Livesey Branch Road, Blackburn, BB2 5EG**

- 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 Miss Abbie Porter against the decision of Blackburn with Darwen Borough Council.
  - The application Ref 10/21/0230, dated 8 March 2021, was refused by notice dated 22 April 2021.
  - The development proposed is a single storey rear extension and double storey side extension.
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## Decision

1. The appeal is allowed, and planning permission is granted for a single storey rear extension and double storey side extension at 848 Livesey Branch Road, Blackburn, BB2 5EG in accordance with the terms of the application, Ref 10/21/0230, dated 8 March 2021, 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: 6258-002, 6258-003 and 6258-004.
  - 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.

## Preliminary Matter

2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording to the application form, matching that used on the Decision Notice has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. However, as both parties have used this description in their submissions, and it is a much clearer description of the development proposed, I have used it in my heading and formal decision above.

## Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 846 Livesey Branch Road (No 846) with specific regard to loss of light and overshadowing.

## Reasons

4. The appeal site is a semi-detached property on a mixed street, with houses of varying form, character and relationships to each other, and there are numerous examples of extensions and alterations, some much closer to boundaries than proposed in this case. At present, both the appeal site and its non-attached neighbour, No 846 have generous gaps to the shared boundary, with side-facing windows and single-storey side extensions.
5. The proposal would close the gap between the building on the appeal site and No 846. However, a gap from the proposal to the boundary between the two would remain, and a view of the sky would still be possible from the clearly-glazed side-facing window to the kitchen at No 846.
6. Kitchens can be considered habitable rooms, and I note that the Residential Design Guide gives particular consideration to the effect of proposals on habitable rooms. However, I note the evidence around the layout of No 846, the existing shortfall against the requirements of the Residential Design Guide and that the kitchen window of No 846 currently enjoys a level of outlook and light over the appeal site beyond the boundary which could be restricted without recourse to a planning application.
7. Taking all of this together with the orientation of the properties and the gap which would remain both between No 846, the boundary and the proposal itself, I am satisfied that the proposal would not be overbearing and would not cause harm to the living conditions of the occupiers of No 846 due to an unacceptable loss of light or overshadowing effect.
8. The proposal would therefore comply with Policy 8 of the Blackburn with Darwen Local Plan Part 2 2015 and guidance in the Residential Design Guide Supplementary Planning Document. These seek, amongst other things, to ensure that development secures a satisfactory level of amenity for occupiers of surrounding properties and to ensure that alterations and extensions are appropriately designed.

## Conditions

9. Having had regard to the request of the Council and requirements of the National Planning Policy Framework and the Planning Practice Guidance I have imposed standard conditions concerning commencement (1), compliance with the submitted plans (2) and requiring the use of matching materials (3), in order to ensure the satisfactory appearance of the completed development. I am satisfied that these conditions meet the tests in, and requirements of both the Framework and the Planning Practice Guidance.

## Conclusion

10. For the reasons given above I conclude that the proposal accords with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it. The appeal should therefore be allowed, and planning permission granted.

*S Dean*

INSPECTOR