

Appeal Decision

Site visit made on 22 November 2021

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9TH December 2021

Appeal Ref: APP/M2372/D/21/3278745

49 St Clement Street, Blackburn, Lancashire BB1 1NW

- The appeal is made under section 78A of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Zia Ul-Haq against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/21/0456, dated 28 April 2021, was refused by notice dated 9 June 2021.
 - The development undertaken is a front and rear side porches/rainshelter.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The front and rear porch/rainshelter additions were present at the time of my visit. This has no bearing on my decision which is based on the planning merits of the case.

Main Issues

3. The main issues in this case are the effect of the development undertaken on the character and appearance of the host dwelling and the street scene, along with the effect of the rear porch/rainshelter on the living conditions of the occupier(s) of No. 47 St Clement Street with particular regards to outlook and access to natural light.

Reason

4. The appeal relates to a relatively modern end of terrace dwelling. It sits at the end of a row of similar properties, side on to St Clement Street. A largely open structure with a mono-pitched tiled roof has been added to the front elevation. This structure ties into an existing brick built mono-pitched extension to the front elevation and together they span the full width of the dwelling.
 5. Although the roof pitch of the open structure is similar to that of the front extension, it sits at a slightly lower level. The pillars and end section of the roof are finished in cladding. The largely open nature, lower roof level and cladding finishing material gives the structure a disjointed appearance when seen alongside the solid, brick finished extension. Furthermore, the design of the
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structure is alien to the broadly uniform appearance of the other dwellings within the terrace and the visual harm is clearly visible within the street scene.

6. An open structure has also been added to the rear elevation, tying in with solid single storey extension. This structure is also largely open with pillars under a mono-pitched roof. Again, the roof follows the roof pitch of part of the solid extension, but it sits at a lower level which along with the clad finish, again gives a disjointed appearance. This visual harm is visible from the footpath running along the rear boundary of the appeal property.
7. For the above reasons, I find that the development undertaken harms the character and appearance of the host dwelling and the street scene within which it sits. In such terms, it conflicts with policy 11 of the adopted Blackburn with Darwen Local Plan Part 2 (LP) and policies RES E1, E4 and E15 of the Council's adopted Supplementary Planning Document titled '*Residential Design Guide*' (SPD) which collectively promote a good standard of design which reinforces the established character of the locality.

Living conditions

8. The largely open structure to the rear is attached to an existing 'P' shaped single storey extension which at its widest point, spans the full width of the appeal dwelling. The open porch infills the back corner of the extension and runs along the side boundary which is shared with No. 47 St Clement Street.
9. The collective depth of the solid extension and the open structure is considerable. Together, they run a significant distance along the boundary shared with No. 47. Given their height and depth, I am of the view that the cumulative effect of these two additions will be overbearing when viewed from the nearest room at the rear of No. 47. They are also overbearing for the occupier(s) of this property when enjoying their rear garden. Notwithstanding this, given the southerly aspect of the rear of this terrace, I do not share the Council's view that the development unacceptably reduces the levels of natural light available to the occupiers of No. 47 St Clement Street.
10. I am mindful that an occupier of No. 47 St Clement Street submitted a representation in support of the development undertaken. Nevertheless, this does not alter my view that it unacceptably harms the outlook from this property. In such terms, the development conflicts with policy 8 of the LP and policies RES E2 and E7 of the SPD which seek to safeguard appropriate levels of residential amenity.

Other considerations

11. The Appellant suggests he was not aware that planning permission was required for the development undertaken. Whilst I have no reason to dispute this, it is not a relevant factor for me to consider.
12. The appellant also explains that the open porches have been constructed in order to protect the host dwelling from the elements. However, nothing I have seen or read suggests to me that this approach is the only design solution available.
13. Finally, the Appellant refers to a range of extensions which are present within the local area. Whilst I do not know the planning circumstances behind the

examples highlighted, none are directly comparable in terms of their size, siting and design as the structures before me, which I have determined on their merits in any event.

Overall Conclusions

14. The development undertaken harms the character and appearance of the host dwelling and the street scene within which it sits. The rear element also unduly harms the outlook for the occupier(s) of No. 47 St Clement Street. In such terms, the development conflicts with the development plan policies and design guidance referred to above.
15. The arguments advanced by the Appellant do not outweigh this harm and policy conflict therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR