



Appeal Decision

Site visit made on 14 December 2021

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2021

Appeal Ref: APP/M2372/D/21/3283732

97/99 Wimberley Street, Blackburn BB1 8HX

- 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 Mushtak Kamal against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/21/0857, dated 26 July 2021, was refused by notice dated 13 September 2021.
 - The development is single storey front extensions enlargement, porches at rear, and second floor dormers conversion at the front.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted retrospectively and at my site visit I saw that much of the development had been completed. I have considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area, and the effect on the living conditions of the occupiers of neighbouring properties with regard to their outlook.

Reasons

Character and appearance

4. The appeal site currently accommodates two vacant properties. They are the two central houses in a terrace of four and are in a row of about 10 houses on this side of this part of Wimberley Street. The row is part of a collection of properties, which stretch from the appeal site to the north up the hill, which share a consistent form, height and general design. This uniformity is a strong and positive characteristic of the area.
5. The dormers comprise one single block which almost entirely occupies the north facing roofslope of the site. Although they face away from Wimberley Street, they are visible from there as they project above the ridgeline of the terrace (by 305mm as shown on the submitted plans). However, they are most prominently visible from the north, from the paths and play area between the site and the houses on Ruthin Close.

6. When seen from the north the bulk of the dormers is dominant. Compared to the simple and unaltered roofs of the other houses nearby, the dormers appear starkly incongruous. Also, when seen from Wimberley Street, the projection above the ridgeline, though not excessive, is significant and disrupts the consistency of the terrace and the roofscape of the row.
7. Although there are some dormer extensions in the wider area, and dormers generally are a common form of domestic extension, there are none in this row of houses or in the row of facing houses in Ruthin Close. Therefore, in this context, and due to their disproportionate scale, the dormers harm the character and appearance of the area.
8. The appellant suggests that the dormers commonly constitute permitted development. However, as these extend above the ridgeline, they are substantially different to what could be built under permitted development rights and so I am able to reach a different conclusion.
9. As a result, this part of the development conflicts with policy 11 of the Blackburn with Darwen Local Plan Part 2 (the 'Local Plan') which aims to ensure development reinforces the character of the locality including in respect of its height. It also fails to accord with section RES E12 of the Residential Design Guide Supplementary Planning Document (the 'SPD'), which specifically says that altering the height of a building would only be acceptable where existing properties do not follow a consistent height, and part RES E13 of the SPD which advises that dormers should be lower than the ridge of the existing roof.

Living conditions

10. The ground floor extensions project by around 5m from the original dwellings, occupying almost the whole of their garden areas, and abut the side boundaries with Nos. 101 and 95. Both these neighbouring houses have large ground floor windows, which appear to serve habitable rooms, whose midpoint is around 2m from the boundaries. Although the amount of direct sunlight received by these habitable rooms may not be significantly reduced by the development due to their north facing orientation, the amount of daylight and the outlook generally from these windows would be considerably restricted due to the significant depth and close proximity of the extensions to them. This would be to the detriment of the living conditions of the occupiers of both these houses.
11. It may be possible to erect 2m high fences along the boundaries as permitted development. However, the extensions are taller than this and so would have a greater impact. I note one of the neighbours has given their support to the development. However, as set out in paragraph 130 of the National Planning Policy Framework, a high standard of amenity for future users, as well as the current occupiers, should be provided.
12. Consequently, the development fails to accord with Local Plan policy 8 which seeks to secure a satisfactory level of amenity for surrounding users including in respect of light. It also conflicts with part RES E2 of the SPD which states that extensions which breach the 45-degree rule may cause an excessive loss of daylight.

Conclusion

13. The development conflicts with the development plan as a whole and there are no other considerations which outweigh this. Therefore, for the reasons given, the appeal is dismissed.

Andrew Owen

INSPECTOR