



Appeal Decision

Site visit made on 9 February 2022

by M Clowes BA (Hons) MCD PGCERT (Arch con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2022

Appeal Ref: APP/M2372/D/21/3287866

94 Ambleside Close, Blackburn BB1 5HE

- 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 Iqbal Patel against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/21/1116, dated 1 October 2021, was refused by notice dated 1 November 2021.
 - The development proposed is described as proposed single storey rear extension and alteration to roof height with rear dormer.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of the proposal from the appeal form and the Council's decision notice, as it more accurately defines the entirety of the development proposed. I have determined the appeal accordingly.

Main Issues

3. The main issues are the effect of the development upon the character and appearance of the area, including the host dwelling and the living conditions of the occupiers of 92 and 96 Ambleside Close, with particular regard to outlook.

Reasons

Character and Appearance

4. The appeal site is a 2 storey brick built, mid-terrace dwelling that forms part of a residential estate of similar house types. Dwellings are arranged predominantly in terraces which provides a strong sense of uniformity to the character of the area.
5. The Council have referred me to the Residential Design Guide Supplementary Planning Document (SPD, 2012) which provides detailed guidance on extensions to dwellings. RES E13 within the SPD sets out criteria in respect of dormer windows including but not exclusively, that they are no larger than existing windows on the dwelling, that they are set down from the ridge and set in from the sides and front of the roof.
6. It is proposed to raise the height of the eaves and ridge of the roof by 0.5m as cited by the Council, to provide additional living accommodation. A band of brickwork would be added above the first floor windows giving the dwelling an

unusual vertical emphasis. This would contrast and stand out from the uniform and horizontal appearance of the remainder of the terrace, where the first floor windows sit directly under the eaves. Although the proposed extension would bring the roof in line with 96 Ambleside Close, this would leave No 92 as the only property with a lower roofline, thereby unbalancing the terrace.

7. A flat roofed dormer window is also proposed on the raised rear roof slope. It would not be set down from the ridge of the roof and it would be significantly larger than the windows on the host dwelling. Visible from the communal lawns and footpaths to the rear, the dormer window would stand out as an incongruous addition. Its negative impact on the uniform character of the area would be emphasised by the mid-terrace position of the dwelling, and by the absence of other dormer windows within the vicinity of the site.
8. It is suggested that a dormer window could be erected without planning permission as a fallback position. However, there is no evidence before me to suggest that there is a reasonable likelihood that the appellant would implement these permitted development (PD) rights, were I minded to dismiss the appeal. In any event, the proposed roof extension would not be permissible under PD rights. Consequently, the fallback position would be considerably different and the degree of harm potentially less than the proposal before me. As such, it does not affect my overall findings.
9. I conclude that the roof alteration and dormer window would have a harmful effect upon the character and appearance of the area, including the host dwelling. It therefore conflicts with Policy 11 of the Blackburn with Darwen Local Plan Part 2; Site Allocations and Development Management Policies (2015), which seeks to ensure that new development is of a good standard of design that enhances and reinforces the character of the locality. It also fails to accord with the guidance contained within RES E4 and E13 of the SPD which seek amongst other things, to ensure dormer extensions are designed to minimise their effect on the appearance of the property and the street. It is also contrary to paragraph 130 of the National Planning Policy Framework, which requires developments to be of a high-quality design and sympathetic to local character.

Living Conditions

10. The proposed dual pitched rear extension would extend across the full width of the rear elevation of the property, to a depth of approximately 4.8m as cited by the Council. The Council advises that the proposed extension fails to meet the 45 degree rule when applied to the nearest habitable windows of 92 and 96 Ambleside Close.
11. I saw that the window to No 92 is small and has a high cill height, which already partially restricts the outlook for the occupants. Although the window to No 96 is wider and lower, it is the only source of outlook for the main living room. The combined height, depth, and proximity of the extension would therefore serve to enclose and reduce the outlook from these windows. Although fences exist along the shared boundaries, the extension would be higher and more solid than the fencing for a significant projection into the rear garden.
12. Reference has been made to other developments nearby which are considered relevant to this appeal. I saw that the rear extension at 138 Ambleside Close is

a smaller, lean-to style addition which is different to the gabled extension proposed here. I have no evidence of the specific circumstances under which the extension at 74 Peter Street came forward. Likewise, I have no information regarding the circumstances of single dormer windows within rows of terraced properties elsewhere within the Borough, including whether they were erected under PD rights. Therefore, I cannot draw any direct comparison with the appeal development from these examples.

13. The appellant suggests there is a lack of housing choice within the Local Authority area. Whilst additional living space would be of benefit to the appellant, planning decisions have to be made in accordance with the Development Plan. The proposed extensions conflict with the Development Plan and therefore these matters do not alter my findings on this appeal.
14. The proposed single storey rear extension would have an adverse effect on the living conditions of the occupiers of 92 and 96 Ambleside Close, with particular regard to outlook. Consequently, it would conflict with RES E2 and E7 of the SPD and Policy 8 of the Local Plan Part 2 (2015), which collectively seek to ensure a satisfactory level of amenity for surrounding uses, including avoiding overbearing impacts from new extensions.

Other Matters

15. I have had regard to other matters raised by neighbours, including, but not limited to, several non-planning matters such as a right to light and the Party Wall Act. As I am dismissing the appeal on the main issues for the reasons given above, I have not addressed these matters further.

Conclusion

16. As a whole, there are no considerations that would warrant taking a decision otherwise than in accordance with the Development Plan. I conclude that the appeal should be dismissed.

M Clowes

INSPECTOR