

Appeal Decision

Site visit made on 21 February 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

Appeal Ref: APP/M2372/D/21/3286378

31 Chestnut Avenue, Blackburn, BB1 8FG

- 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 Maubean Patel against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/21/0850, dated 26 July 2021, was refused by notice dated 1 September 2021.
 - The development proposed is outbuilding.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The spelling of the appellants name varies throughout the appeal documents. I have taken the spelling in the banner heading above from the appeal form.
4. The outbuilding has been constructed although the proposed render finish has not been completed. I have considered the appeal on this basis.

Main Issues

5. The main issues are the effects of the proposal on:
 - the character and appearance of the area, and
 - the living conditions of neighbouring occupiers at No 33 Chestnut Avenue and 34 and 36 The Oaks, with particular regard to outlook and light.

Reasons for the Recommendation

Character and appearance

6. The appeal property lies within a modern residential area with some dwellings still under construction. It is a detached dwelling at a higher level than the properties at the rear, with pedestrian access to the rear of the dwelling. There are examples of outbuildings in the rear of some properties which appear to be used as garages.

7. The bulky outbuilding has a flat roof and proposed render finish and is sited in the rear garden are of the host property. From my observations on site, and from the information before me, other outbuildings appear to be constructed from red brick with pitched roofs, consistent with the dwellings and characteristic of the area. Whilst the outbuilding is not visible from the street, due to the arrangement of dwellings, it is visible from the rear of a number of properties and the design, scale and materials of it create an incongruous feature in the area that is not replicated in the surroundings.
8. I note the appellant suggests that planning conditions could be used to improve the external appearance of the outbuilding, including the colour of the render and installing a pitched roof. No details of any alternative materials or colours are before me and in any event, I have to deal with the proposal as it was considered by the Council. I cannot therefore give this matter any weight in determining the appeal.
9. I conclude that the outbuilding harms the character and appearance of the area and is therefore contrary to Policy 11 of the Blackburn and Darwin Local Plan Part 2 (Local Plan) (2015) which, amongst other things, seeks to ensure that development is of a good standard of design and makes a positive contribution to the local area. It also fails to adhere to guidance in the Residential Design Guide Supplementary Planning Document (2012) (SPD) which states that materials will normally match those used in the existing property.

Living conditions

10. The proposal is situated close to the side boundary with No 33 Chestnut Avenue and the rear boundary of Nos 34 and 36 The Oaks. The sites are separated by closed boarded fencing. The position and scale of the proposal results in the proposal being higher than the fence and prominent in views from neighbouring properties.
11. It has introduced an imposing feature that has altered the outlook from the neighbouring properties and appears overbearing. The prominence is exacerbated by the changes in land levels, so that the proposal appears much higher from the rear of the properties on The Oaks. Even if the outbuilding meets the separation distances in RES E3 of the SPD, the dominance of the outbuilding when viewed from neighbouring properties is harmful to the outlook of neighbouring occupiers.
12. Although close to the boundary with No 33, due to the height and location of the outbuilding, whilst it would cause some shadowing of the garden area, would not cause overshadowing such that it would be an unpleasant space in which to spend time.
13. I conclude that the outbuilding harms the living conditions of the occupiers of the neighbouring properties and is therefore contrary to Policy 8 of the Local Plan which, amongst other things, seeks to ensure that development secures a satisfactory level of amenity with regard to the relationship between buildings.

Conclusion and Recommendation

14. The proposed development conflicts with the development plan as a whole and there are no other considerations, that outweigh this conflict. I therefore recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Hollie Nicholls

INSPECTOR