



Appeal Decision

Site visit made on 6 July 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2022

Appeal Ref: APP/Z2315/W/22/3293682

126 Mitella Street, Burnley BB10 4LW

- 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 Ms Nicola Stead against the decision of Burnley Borough Council.
 - The application Ref APP/2018/0153, dated 11 December 2017, was refused by notice dated 3 September 2021.
 - The development is described as: 'relocate existing dilapidated garage rearwards on land behind 124/126 Mitella Street to provide off road parking and increased work/storage space with gates being placed at the front of the land for security'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is retrospective in that the garage and gates are already in place. However, for the avoidance of any doubt, I have determined the appeal on the basis of the plans before me as far as possible.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is an area of land to the rear of 126 Mitella Street, a mid-terraced dwelling. The land sits amongst similar plots of land to the rear of neighbouring residential properties located on the opposite side of the back lane running to the rear of the terrace. There are a number of garage buildings that have been constructed within these plots with access off the back lane. Although these vary in appearance and materials to an extent, there is nonetheless a degree of consistency between them.
5. These buildings tend to have a linear form, being noticeably longer than they are wide. Furthermore, they typically have a low roof height, often finished with corrugated sheeting. Whilst some are positioned further back into the site to allow parking to the front, they nonetheless tend to be set substantially forward of the rear boundaries. In contrast to the high, walled boundaries of the rear yards of dwellings on the opposite side of the back lane, boundaries, where present, typically consist of timber fences, which are usually reasonably low in height. Frontages tend to be open and unfenced. The scale and form of the garages, their position within the plots, low timber fences and open

frontages contribute to a coherent pattern of development with a distinct residential character that is readily observable along this part of the back lane.

6. The appeal building has been constructed at the back of the site adjacent to the rear boundary, at odds with the pattern of development. The substantial width of the gable, and the resulting height and massing gives the building an imposing and incongruous appearance that is not reflective of the surrounding buildings. Indeed, owing to its scale and materials, the building has more of an industrial appearance, at odds with the residential character of the street. The imposing nature of the development and its incongruous appearance is exacerbated by the presence of the high steel gates positioned close to the edge of the back lane. This contributes to a discordant form of development that is distinctly at odds with the prevailing character.
7. Whilst there is industrial development nearby, the appeal site is undoubtedly located within a residential street with a prevailing residential character. The development appears out of place in this setting, located amongst residential garages and domestic plots. Whilst the appellant has directed me to other instances of steel fenced boundaries, some of which include gates, these are either located away from the appeal site and not visible from it, or are clearly associated with the nearby industrial development, which this development does not form part.
8. The appellant has argued that the gates could be considered to be permitted development if the upper barbed wire section were removed, however this section appears integral to the gates, and I have not been provided with any evidence that it could, or would, easily be removed. Nevertheless, the gates were included in the description of the development for which planning permission was sought and I have assessed the appeal on this basis.
9. For the above reasons I therefore conclude that the development has a harmful effect on the character and appearance of the area and therefore conflicts with Policy SP5 of the Burnley Local Plan (2018) which seeks high standards of design for new development that respects character and appearance. There would also be conflict with National Planning Policy Framework paragraph 130 which requires that planning decisions ensure developments add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, and are sympathetic to local character.

Other Matters

10. I accept that the appellant has concerns with regard to security and that the development is beneficial to the appellant in this regard. However, these are essentially personal benefits as opposed to the public harm to the character and appearance of the area that I have identified above. Furthermore, there is no compelling evidence before me that attaining those benefits is reliant on the precise development for which permission is sought.
11. The processing of the application and the time taken to determination relates to the practical administration of the application rather than to the acceptability of the scheme. Whilst I have had regard to the appellant's concerns on this matter, I have nonetheless determined the appeal scheme with regard to its planning merits.

Conclusion

12. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR