



Appeal Decision

Site visit made on 24 January 2023

by D Barlow BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2023

Appeal Ref: APP/M2372/D/22/3309961

13 Charlotte Street, Blackburn, Lancashire BB1 7LE

- 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 Munshi against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/22/0426 dated 18 February 2022, was refused by notice dated 12 August 2022.
 - The development proposed is a 2 storey extension and dormer extension to rear.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers and the occupiers of the host property, with regard to outlook and outdoor amenity space respectively.

Reasons

3. The host property is a traditional brick mid terraced house in a street and area characterised by the same, with properties fronting the pavement and walled rear yards. To the rear of the property, where there is an alleyway, I noticed on my site visit a number of alterations and extensions have taken place which has resulted in a wide variety of designs and materials/roof finishes in the locality.
4. The proposed 2 storey extension would be constructed on the party boundary with No 15 and would extend the full length of its yard. No 15 has ground and first floor windows close to the party boundary and the outlook from these windows is largely open.
5. The new extension would as a result of its location and scale have a significant enclosing effect on these windows and the outlook from them would be severely restricted as a result of it. The 2 storey extension would result in a tall and overbearing feature in close proximity when viewed from the rooms that these windows serve and also from its small area of outdoor space. The outlook from these rooms would be dominated by the new extension and would result in the rooms being less pleasant places within which to spend time.

6. Furthermore, the proposed 2 storey extension would occupy the majority of the rear yard which would result in a very small amount of private amenity space remaining, effectively only leaving a passageway to the rear alleyway via a gate. There would be little space for items normally associated with a family sized dwelling such as this, including children's play equipment and outdoor seating areas. As such, a poor outside living environment for the occupiers of the extended dwelling would be provided.
7. The appellant points out that a number of extensions have been built nearby in the recent past, including at No 15 Charlotte Street. However, I am not aware of the circumstances that led to those developments and whether they are directly comparable to those before me. I also note that permission for an extension to the property has expired, however I have limited information before me to ascertain the details of this and whether they are comparable to the proposal before me. In any event I have determined the appeal proposal on its merits.
8. Given the above, I conclude that the 2 storey extension would be harmful to the living conditions of the occupiers of both the host property and those at No 15, including future occupiers, in conflict with Policy 8 of the Blackburn With Darwen Local Plan Part 2 (Adopted December 2015) which seeks to secure satisfactory levels of amenity for surrounding uses and occupiers of the development itself. It would also conflict with RES E2, RES E5, and RES E7 of the Residential Design Guide (September 2012) which collectively seek to protect the amenity of occupiers.

Conclusion

9. Given the above reasons, I therefore conclude that the proposal conflicts with the development plan as a whole, and there are no material considerations which indicate a decision other than in accordance with the development plan. The appeal is dismissed.

D Barlow

INSPECTOR