
Appeal Decision

Site visit made on 7 March 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2023

Appeal Ref: APP/M2372/D/22/3302939

84 Walter Street, Blackburn BB1 1SX

- 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 Ghulam Mujtaba Rasul against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/22/0320, dated 5 April 2022, was refused by notice dated 26 May 2022.
 - The development proposed is erection of glazed balcony 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 the occupiers of neighbouring properties to the side and rear with regard to overlooking and privacy.

Reasons

3. The balcony would be erected on part of what is an existing rear flat roofed single storey off-shot at the terraced dwelling. Given the positioning of the balcony, it would enable those using it, particularly if standing, to have close proximity views down and across into the adjacent rear off shot at 82 Walter Street, (No.82) the yard, as well as towards windows on the main rear elevation at ground and first floor level.
4. This is likely to be rather obtrusive to the adjoining occupiers in an environment where rear amenity space is generally provided via small rear yards as opposed to elevated external spaces such as balconies.
5. I do not find that there would be any significant adverse impact on the privacy of occupiers of properties to the south on Randolph Street because of the reasonable separation distance. The same would be the case for the occupiers of 86 Walter Street to the east by reason of a second floor off shot and as the yard to that property is on the eastern side of the off shot and therefore would be shielded from view to a large degree.
6. However, there would be a significant adverse impact on the living conditions of occupiers at No. 82 as a result of loss of privacy through overlooking. The proposal would therefore conflict with Policy 8 of The Local Plan Part 2 (2015) which states amongst other things that development will be permitted where it

would secure a satisfactory level of amenity with reference to privacy and overlooking. There would also be conflict with the SPD¹ which advises at RES E20 that balconies will only be permitted where they do not create an unacceptable level of overlooking on surrounding properties.

Other Matters

7. I note that the balcony would be used responsibly and that neighbours, including No.82 have signed a letter in support of the appeal indicating a lack of concern over the arrangement. However, the occupiers of the appeal and neighbouring properties could change many times over the lifetime of the development and the current situation would not always remain the case. I therefore afford this matter limited weight.
8. I accept that back garden space is limited at the dwelling. However, there is a small yard and this is an expected and characteristic feature of the area in general and I afford this matter limited weight.
9. Given my concerns regarding overlooking and privacy particularly in relation to standing on the balcony, the use of obscured glazing would not resolve the harm identified.

Conclusion

10. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR

¹ Residential Design Guide Supplementary Planning Document Revised Edition September 2012.