

Appeal Decision

Site visit made on 27 September 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2023

Appeal Ref: APP/M2372/D/23/3327226

10 Brantfell Road, Blackburn BB1 8DN

- 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 Yasin Khonat against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/23/0460, dated 30 May 2023, was refused by notice dated 19 July 2023.
 - The development proposed is the alteration of rear dormer following planning refusal App No: 10/23/0076.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Corporation Park Conservation Area.

Reasons

3. A rear dormer has already been constructed and has been the subject of a dismissed appeal, reference APP/M2372/D/22/3290809 (the first appeal). An enforcement notice was issued and was also the subject to an appeal which was dismissed. The enforcement appeal did not consider the planning merits of the original proposal and need not therefore be considered further with regard to this appeal.
 4. The current appeal relates to a proposal which would be of a similar form to that previously considered, a box style dormer with flat roof, but it would be smaller than the existing. The appellant describes that it would be 800mm shorter in width (17%) allowing it to be set in from the chimney stack. Its projection would also be reduced.
 5. The inspector in the first appeal set out the background with regard to the conservation area and also concluded that the majority of the dwellings have retained their original rear roofscapes and gabled outriggers which are clearly visible from the alleyway and represent a positive feature that contributes to the heritage significance of the area, even though they are at the rear. This view is supported by the Corporation Park Supplementary Planning Document 2014 (SPD) which annotates these terraces as 'Positive Building Feature – high
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quality'. Whilst not within a key vista or view defined by the SPD, these properties remain important to the overall significance of the conservation area. Whilst I agree with the appellant that the front of these properties are of greater significance to the character and appearance of the conservation area, this does not suggest that the properties in their entirety are not positive features that contribute to the significance of the conservation area.

6. The reduction in dormer width would allow for some distinction between the new structure and the chimney which is an important element within the roofscape. This distinction is important and beneficial. The revised dormer would not be as dominant a feature given its set back and marginally reduced depth. It would nevertheless remain as the most dominant feature of the rear facing roof slope. It would remain clearly visible in views from the rear alley but also the alley to the south (behind the East Park Road properties). The rising land ensures that it would, as now, be viewed well above its neighbour to the south and its perceived height, would be well above the ridgeline when viewed from below. The flat roof would, due to the angle of view, continue to be viewed against the skyline and in longer views from the south, it would continue to partially interrupt views of the tops of the trees within the park beyond. It would therefore, despite its mid-terrace position, remain dominant within the roofscape.
7. The design of the structure would remain similar to that previously considered in the first appeal. It would remain of a form that would be entirely at odds with the form of the dwelling. The large box style appearance and the flat roof are not features present in the original design details. Its scale, although reduced, would remain entirely at odds with the appearance of the property. It would not align with the outrigger to at least offer some respect for the proportions and form of the main dwelling. The main window, although altered, would not align with the windows below or match in orientation, width or style. The rear face of the structure would represent an alien feature imposed on this period property.
8. Despite the proposed changes to the existing dormer, the findings of the first appeal inspector remain relevant. It could not be regarded as a subservient addition and it would appear as an incongruous and dominant feature, at odds with the existing roofscape, because of its prominent position, scale and bulk. In this context, it represents poor design and it would fail to preserve or enhance the character or appearance of the conservation area.
9. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty requiring that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. As reported in the first appeal, this duty is reflected in the National Planning Policy Framework and in policy 39 of the council's Local Plan Part 2 2015 – Site Allocations and Development Management Policies (LP2). In addition, LP2 policy 11 requires that all new development must demonstrate an understanding of the wider context and make a positive contribution to the local area. Furthermore, policy CS17 of the Council's Core Strategy 2011 requires that buildings and features, which are of local importance will be protected from inappropriate change or development. The proposal conflicts with these policies.

10. Although the proposal would offer some improvements compared to the original submission, there would be harm to the character and appearance of the conservation area. The harm would be less than substantial. The Framework is clear that any harm to a heritage asset, such as a conservation area, should be weighed against the public benefits of the proposal. I am not persuaded that there are public benefits sufficient to outweigh the harm and therefore there would remain conflict with the Framework.
11. I have had regard to the previous permissions granted by the council at numbers 30 and 36. I did not find these to be as prominent in longer views but although they are not positive features, the conclusions of the council in making those decisions, provides weight in favour of this proposal. The numerous dormer windows in the terrace of properties opposite, just outside the conservation area, illustrates the harm that can result when controls are not available and exercised rather than weighing in favour of this similar proposal. I have had regard to the substantial support offered locally and to the particular personal circumstances of the appellant with regard to the continuing need for this accommodation. However, these matters, when taken together, are not sufficient to outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR