



Appeal Decision

Site visit made on 6 November 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 15 November 2023

Appeal Ref: APP/M2372/W/23/3323898

74 Queens Park Road, Blackburn, Lancashire BB1 1SE

- 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 Mohammed Kathrada (Blackburn with Darwen Youth Awareness Project) against the decision of the Council of the Borough of Blackburn with Darwen.
 - The application Ref 10/23/0207, dated 29 March 2023, was refused by notice dated 26 May 2023.
 - The development proposed is the retention of shed to front terrace to be used as food bank (Use Class F2)(retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice, which provides a more succinct description than the application form.

Main Issues

3. The main issues are the effect of the proposed development on: the character and appearance of the area; and the living conditions of occupiers of surrounding dwellings with particular regard to noise and disturbance.

Reasons

Character and appearance

4. The appeal site comprises the front yard area to a mid-terraced dwelling on Queen's Park Road, within which a plastic shed with inner metal frame is situated. Queen's Park Road is primarily residential in nature, and the property at No. 74 forms part of a terraced row with a notable and pleasing sense of visual consistency in design and form. This includes the modest yards to the front of the properties which, due to being free from sizeable or notable structures, allow the group of dwellings to be readily appreciated and contribute to the continuity of the terrace as a whole.
5. The proposal seeks to retain the shed at the appeal site. It serves a food bank project, providing storage for surplus food gathered from supermarkets and businesses, in addition to equipment such as food containers and tables. It is stated that the size, shape and colour of the shed has been considered. However, in the context of the front yard it is a sizeable addition to the site. Despite its muted colour and simple design, in the modest yard it appears

cramped and visually competes with the dwelling behind, such that it reads as an imposing element in both the site and the wider streetscene.

6. The shed represents the only front yard feature of this scale within the immediate terraced row, sitting forward of the shared main building line and bringing development much closer to the footpath edge. As such, it serves to reduce the visual consistency and sense of openness provided by the front yards in the vicinity that are otherwise free from sizeable structures. Overall, it reads as a dominant and incongruous feature that fails to be in keeping with the appearance of the street.
7. For the reasons given, the proposal would have a significant adverse effect on the character and appearance of the host dwelling and the area. It would fail to comply with Policies 8 and 11 of the Blackburn with Darwen Local Plan Part 2 Site Allocations and Development Management Policies 2015 (the DMP) and the Residential Design Guide Supplementary Planning Document 2012 insofar as they seek to ensure good design that makes a positive contribution to the character of the local area.

Living Conditions

8. The appellant states the food bank at the shed would 'operate' from 09:30 – 20:00 hours Monday to Sunday. Volunteers supervise food counters in front of the site from 09:30 – 15:00 hours, followed by hourly checks until 20:00 hours. Collection of food from businesses occurs between 20:30 and 22:50 hours, and this is then transferred from vehicles to the shed.
9. Due to its positioning at the site, the shed is located in the middle of a group of residential properties, with dwellings immediately positioned on either side and across the street. While the scale of the operation may not be sizeable, it nevertheless has the potential to lead to increased movements and activity in this area throughout the day and night, 7 days a week. This would introduce a level of activity that would be out of place in the middle of an otherwise largely residential setting, over and above the normal amount to be expected at a dwelling such as the appeal property.
10. Noise would arise at the site from the gathering, activities, and comings and goings of volunteers and service users on foot and by vehicles, to include voices and vehicle engines running or doors slamming. While I note representations that crowd gathering does not occur, there remains the potential for numerous service users to attend at the same time. This could occur during evenings and weekends when neighbours would reasonably expect a level of peace and quiet. This would create a disturbance that would unduly impact the living conditions of occupiers of surrounding dwellings. While it has been stated that the service users are respectful and that the appellant and volunteers would ensure that no undue disturbance is caused, there is no guarantee that this could always be the case.
11. For the reasons given, the proposal would have a significant adverse effect on the living conditions of occupiers of surrounding dwelling with regard to noise and disturbance. It would fail to comply with Policy 8 of the DMP insofar as it seeks to ensure development secures a satisfactory level of amenity for surrounding uses.

Other Matters

12. I note the numerous representations provided in support of the appeal, and the comments relating to the personal issues between the appellant and certain interested parties who have objected to the proposal. Nevertheless, it remains that I must make my decision on the planning merits of the scheme as it appears before me.
13. The proposal would have benefits, most notably in providing an important service to the community, particularly to those who are facing economic hardship and with reference being made to certain service users having been refused by other food banks due to their mental health. While I have had regard to this, this overall benefit of the scheme is limited by the scale of the operation, such that it attracts moderate weight. While it has also been stated that the proposal would boost revenues in surrounding businesses, aid in reducing crime, and cause linked trips to nearby local services, limited substantive evidence has been provided in this regard.

Planning Balance and Conclusion

14. I have found that the proposal would cause harm to the character and appearance of the area, and to the living conditions of occupiers of surrounding properties with regard to noise and disturbance. Even when taken together, the other matters outlined would not outweigh this harm.
15. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR