



Appeal Decision

Site visit made on 5 January 2024

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal Ref: APP/M2372/W/23/3325701

429 Bolton Road, Darwen BB3 2JQ

- 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 Matt Turner against the decision of Blackburn and Darwen Borough Council.
 - The application Ref 10/23/0254, dated 30 March 2023, was refused by notice dated 9 June 2023.
 - The development proposed is conversion of existing dwelling house into two dwelling houses, internal alterations and first floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing dwelling house into two dwelling houses, internal alterations and first floor extension at No.429 Bolton Road, Darwen BB3 2JQ in accordance with the terms of the application, 10/23/0254, dated 30 March 2023, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Floor Plans and Elevations – drawing ref. PCE-Turner-January-23-Ex Layouts, Amended A1-1; and Proposed Floor Plans and Elevations – drawing ref. PCE-Turner-January-23-Ex Layouts, Amended A1-1.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
 - 4) The ground floor lounge windows in the side elevation of the development hereby permitted shall be fitted with obscure glazing (which shall have an obscurity rating of not less than 4 on the Pilkington glass obscurity rating or equivalent scale) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall remain in that manner in perpetuity at all times.
 - 5) Before the development hereby approved is first brought into use, the covered refuse storage area shown on Proposed Floor Plans and Elevations – drawing ref. PCE-Turner-January-23-Ex Layouts, Amended

A1-1 shall be provided and thereafter be retained and maintained as such.

Preliminary Matter

2. The Blackburn and Darwen Local Plan 2021-2037 (LP) was adopted on 25 January 2024. It replaces the Core Strategy (Local Plan Part 1) and Site Allocations and Development Management Policies (2015) (Local Plan Part 2), the latter referred to in the Council's decision notice. Local Plan Part 2 Policy 8 is replaced by LP Policy DM2, but the emphasis of the policy – particularly criterion ii) – remains unchanged. I have therefore determined the appeal on the basis of this recently adopted policy.

Main Issue

3. The main issue in this case is the effect of the proposed development on the living conditions of the occupants of the proposed front facing dwelling, with regard outdoor amenity space.

Reasons

4. No.429 Bolton Road (No.429) is a large, end of terrace property, located on the eastern side of Bolton Road on the corner with Woodville Terrace. The property is currently vacant, but the existing floorplans submitted with the planning application show it was arranged over basement to second floor, with at least 6no. bedrooms.
5. The proposal is to convert No.429 into 2no. dwellings, divided broadly front to back. The front facing dwelling would be arranged with a family room at basement, lounge and kitchen at ground floor and a double bedroom at first and second floor. I accept therefore that the dwelling could reasonably be occupied by four persons, including by a family. The dwelling would be accessed independently from the front elevation (to Bolton Road), with the back facing dwelling accessed from an existing door to the side (on the gable elevation). It is proposed to excavate the area to the front of the property, enclosed by a low stone wall, to provide an amenity area for the front facing dwelling.
6. LP Policy DM2 ii) requires new development to provide a satisfactory level of amenity for future occupants of the development itself, with reference, amongst other things, to open space provision. The amenity space for the proposed front facing dwelling is around 12sqm and is sufficient in size to accommodate a bin store as well as the storage of bikes, hanging out of washing. Despite the proposal to screen part of the frontage to Bolton Road, and the return to Woodville Terrace, to enclose the bin storage, the amenity area would offer no real privacy from passers-by or road users. I observed Bolton Road to be busy with associated traffic noise and this, combined with a lack of privacy, means that it is unlikely that the amenity area would be used for informal recreation, such as sitting out or children's play.
7. However, No.429 is located close the edge of the urban area of Darwen and it has local, easy access to generous public open space, notably at Whitehall Park and off Ashleigh Street, the latter being only a very short walk away. On balance, therefore, I find the combination of an amenity area to the front of the dwelling (which would serve a functional purpose) and the close proximity of public amenity space, would meet the requirements of LP Policy DM2 ii). The

occupants of the proposed front facing dwelling would benefit from a satisfactory level of amenity and access to open space provision.

Conditions

8. I have had regard to the conditions suggested by the Council. In addition to the statutory time limit condition, I agree that a condition specifying the approved plans is necessary in the interests of certainty. It is also necessary, in the interests of the appearance of the area, to impose a condition requiring the new external walls and roof to match the existing dwelling.
9. Two windows on the side elevation (to Woodville Terrace), which would serve the lounge of the rear facing dwelling, would directly face No.415 and No.415a Bolton Road. Although these dwellings are a reasonable distance away and have a relatively high boundary fence, I nonetheless agree that, to avoid overlooking, it is necessary to impose a condition requiring these windows to be obscure glazed. The lounge of the rear facing dwelling would still benefit from outlook over the garden from two large windows to the rear elevation.
10. In the interests of the appearance of the area, it is necessary for the proposed screening to the bin store (to the front elevation) to be provided and thereafter retained and maintained. Because details of this have been provided on the proposed elevations, I do not find it necessary for further details to be submitted to the Council for approval. I have, therefore, amended the wording of the suggested condition accordingly.

Conclusion

11. For the reasons given above, I conclude that the appeal should be allowed.

R. Jones

INSPECTOR