



Appeal Decision

Site visit made on 18 February 2025

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 03 April 2025

Appeal Ref: APP/M2372/D/24/3352913

8 Ayr Road, Blackburn, Blackburn with Darwen BB1 2EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Hajir Faez Saleh against the decision of Blackburn with Darwen Borough Council.
 - The application Ref is 10/24/0560.
 - The development proposed is described as 'retention of two storey rear extension and front boundary walls (part-retrospective)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has been carried out. For the avoidance of doubt, I confirm that my determination of the appeal is based on the drawings submitted.
3. The description of the development proposed in the banner heading above is also taken from the Council's decision notice as it more accurately describes the development.
4. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

Main Issues

5. The main issues are;
 - The effect of the development on the character and appearance of the dwelling and the surrounding area.
 - The effect of the development on the living conditions of the occupiers of 6 and 10 Ayr Road, with particular regard to outlook and light.

Reasons

Character and Appearance

6. The appeal relates to a cream rendered 2-storey dwelling that sits at the end of a terrace of 4 houses. The immediate surroundings are residential comprising a mixture of short terrace rows and semi-detached properties that are set out in an orderly fashion. Grass garden areas, landscaped strips and highway verges, along

with low front boundary fences, mature trees and hedgerows positively contribute to the prevailing spacious, and relatively green suburban character of the area.

7. The site is not in a conservation area or within the setting of a listed building. However, the rear extension element of the development is of a considerable size and scale, almost doubling the volume of the main dwelling. As a result, it appears as an oversized addition that is not subordinate or sympathetic to the size, scale and design of the host dwelling. Whilst some views of it from the public domain are obscured by the main dwelling, its form, bulk and massing are still readily apparent from Ayr Road when approaching from the western direction, and from a number of neighbouring properties.
8. This impact has been compounded by the use of red brick, which sharply contrasts with the much lighter colour of the render, thereby drawing the eye, and further accentuating its visual prominence. Furthermore, the approximate 1.3 metre (m) and 1.7 m height, position and length of the concrete breeze block front and side boundary wall presents a robust, dominant and conspicuous enclosure. This appears strident and incongruous in the context of the prevailing open and spacious softly landscaped character of the area.
9. The imposition of a planning condition for the use of render or other materials on the extension and walls would not provide sufficient mitigation to overcome all these concerns. Accordingly, the development has introduced visually intrusive features into the street scene.
10. In reaching my findings, I have had regard to examples of other extensions that have received planning consent in the area, and these are shown in a number of photographs that the appellant has submitted. Nonetheless, on the evidence presented I cannot be certain that they represent a direct parallel to the development.
11. As such, the development causes unacceptable harm to the character and appearance of the dwelling and the surrounding area. It thereby conflicts with Policy CP8 of the Blackburn with Darwen Local Plan (2021-2037) (Local Plan). This seeks, amongst other things, for all new development to be of a high standard of design which enhances its surroundings. Conflict also arises with design advice in the Council's Residential Design Guide Supplementary Planning Document 2012 (SPD).
12. The Council's reason for refusal refers to Local Plan Policies DM02 and DM29. However, these relate to protecting living and working environments and transport and accessibility. Consequently, I do not consider them relevant to this main issue, although this does not alter my findings.

Living Conditions

13. My site observations confirmed that the rear habitable windows in No 10 do not directly face the gable elevation of the rear extension element of the development. I am satisfied that the angled relationship and the intervening distance between these windows and the extension is such, that large open aspects and a breadth of outlook are still retained.
14. It is common ground between the main parties that there is conflict with some of the interface distances contained within the SPD. However, it does not follow that

a proposal should stand or fall solely on the application of these standards and each case is required to be judged on its own merits. In this context, I am satisfied that the development does not result in an unacceptable loss of outlook or light to No 10's rear windows.

15. I have been made aware that a rear conservatory previously occupied a similar position to the rear extension element of the development. Nonetheless, given its increased and substantial size, scale and massing, this clearly interrupts a horizontal 45-degree line, as set out in the SPD, when drawn from the central point of the largest rear kitchen window of No 6.
16. Although I could not gain access to this property, the submitted photographs and plan show this room to be open plan and contain kitchen appliances including an oven, fridge-freezer and washing machine. As such, it appears to be a large room that is mainly used for cooking purposes, which falls under the definition of a habitable room in the SPD.
17. Whilst this room has windows in its front and rear elevations, which affords different parts of it with light, the largest rear kitchen window provides a pleasant and fairly open outlook taking in greenery and the sky when standing at the sink and adjoining worktops. This is an established element of the enjoyment of the property. At such proximity to the shared boundary and this rear kitchen window, the mass and bulk of the rear extension visually dominates the outlook from this opening. It inevitably has an oppressive and overbearing effect and significantly reduces the amount of natural light to it.
18. I therefore find that the development unacceptably harms the living conditions of the occupiers of No 6 Ayr Road only, with particular regard to outlook and light. It therefore conflicts with Local Plan Policy DM02 in this respect. This seeks, amongst other things, to secure a satisfactory level of amenity and safety for surrounding uses and for existing and future occupants.

Other Matters

19. I have been made aware of the appellant's family's need for additional space in the context of a lack of housing choice and large family homes in the area. Whilst I have some sympathy in this respect, personal circumstances seldom outweigh more general planning considerations, particularly where development is permanent. Furthermore, it has not been demonstrated that the development represents the only means of extending the house and satisfying this need.
20. I also have no reason to doubt that the appellant was not trying to circumvent the planning system. However, ignorance of planning regulations is not a reason to justify development. In addition, the level of local residents' support or objection for a scheme are not determining factors in the consideration of an appeal.

Conclusion

21. For the reasons given above, the development conflicts with the development plan and there are no material considerations that warrant taking a decision otherwise than in accordance with it. The appeal should therefore be dismissed.

Mark Caine

INSPECTOR