



Appeal Decision

Site visit made on 15 May 2025

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/M2372/D/25/3359358

13 Charlotte Street, Blackburn BB1 7LE

- 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 Munshi against the decision of Blackburn with Darwen Borough Council.
 - The application Ref is 10/24/0974.
 - The development proposed is a two storey extension and dormer extension to the rear.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development consists of a number of elements. The Council raises no concern with regard to the dormer extension. I shall accordingly direct my assessment to the proposed two storey extension to the rear.

Main Issues

3. The main issues in the appeal are the effect of the development on (i) the living conditions of the occupiers of the adjoining property, No 15 Charlotte Street (No 15) and (ii) the overdevelopment of the property.

Reasons

Living conditions

4. The appeal property, No 13 Charlotte Street (No 13) is a terraced property with a walled rear yard leading to an alleyway. It is located within a residential area characterised by similar terraced housing, the majority of which have been subject to extensions and roof alterations. The neighbouring property, No 15 has an existing rear projection with ground floor windows facing the yard at No 13 separated by a small amenity area.
5. The proposed extension would result in a building occupying much of the full length of the appeal site. Whilst the roof would slope away from the boundary, it would, due to its size and height, be an overly large addition adjacent to the boundary of No 15. It would breach the 45 degree rule set out in Policy RES E2 of the Residential Design Guide Supplementary Planning Document (Design Guide) which seeks to maintain a satisfactory relationship between existing buildings and proposed extensions and to avoid an overbearing impact on adjacent properties

and amenity areas. Because of its bulk and closeness to the boundary with No 15 the overall impact of the proposal would have an overbearing and domineering effect for the occupants of No 15. As such it would fail to safeguard the amenities of the occupiers of No 15.

6. I appreciate the efforts made to overcome the concerns expressed by the Inspector in a previous appeal. However, notwithstanding the reduction in depth, the extension would still be a sizeable addition to the appeal property and would due to its proximity to the shared boundary with No 15, dominate the outlook obtained from No 15.
7. The appellant cites extensions to other properties along Charlotte Street and the local area in support of the proposal, in particular the neighbouring property, No 11 Charlotte Street has an extension which takes up all of the yard area. I have some sympathy with the appellant's perception of such development but I have not been given particulars of or the policy context in which this development and others nearby were approved. As such I am unable to make direct comparisons and so only attach limited weight to them. I also acknowledge that the area as a whole is characterised by dense terrace housing where similar extensions can be found. However this does not mitigate the harmful effect I have identified nor does it justify development which would otherwise be unacceptable
8. Accordingly, I therefore conclude on this main issue that the proposal would result in unacceptable harm to the living conditions of the occupiers of No 15 contrary to Policy DM02 of the Blackburn with Darwen Local Plan 2021-2037 (Local Plan) together with Policies RES E2, RES E5 and RES E7 of the Design Guide. Together these policies require, amongst other things, for development to secure a satisfactory level of amenity with neighbouring properties and not to have an unacceptable impact on neighbours.

Overdevelopment

9. As a result of the proposed extension, the amenity space at the rear of No 13 would be mostly lost. The outdoor space which would remain would be small and narrow and would only be sufficient for bin storage and outside maintenance of the dwelling.
10. Policy DM02 of the Local Plan does not set out any prescriptive requirements for amenity space but provides that development should ensure appropriate levels of amenity are achievable. I accept that in this instance the appellant seeks to prioritise functional outdoor space whilst meeting internal living needs. However it is important to provide satisfactory living conditions for all future occupiers of the property. In this case given its intended use, the limited space which would remain would not provide any useable outdoor amenity space commensurate with the size of the dwelling as extended.
11. It is highlighted that the appeal property is a short walk away from a park and other open space. Nonetheless, in this case, I am not persuaded that other open space nearby is sufficient to compensate for the limited space provided on the appeal property. Whilst I accept that many of the terraced properties within this area may have limited outdoor amenity space, this does not provide justification for development which would otherwise be unacceptable.

12. I therefore conclude that on this issue the proposal would result in an overdevelopment of the plot which would have an unacceptable effect on the occupiers of the appeal site. As such it would be contrary to Policy DM02 of the Local Plan which requires that development should secure a satisfactory level of amenity for all users

Conclusion

13. The proposal would harm the living conditions of the occupiers of No 15 by reason of an overbearing impact and of the appeal property by reason of overdevelopment. There are no other considerations which would outweigh these findings or the conflict with the Development Plan. Accordingly I dismiss the appeal.

K Winnard

INSPECTOR