



Appeal Decision

Site visit made on 15 September 2025

by **G J Fort BA PGDip LLM MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

Appeal Ref: APP/R2330/W/25/3369514

55 Queens Road, Accrington, Lancashire BB5 6AR

- 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 Adeel Safdar against the decision of Hyndburn Borough Council.
 - The application Ref is 11/24/0487.
 - The development proposed is a drop crossing and surfacing of the front garden to create a parking area.
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Decision

1. The appeal is allowed and planning permission is granted for a drop crossing and surfacing of the front garden to create a parking area at 55 Queens Road, Accrington BB5 6AR in accordance with the terms of the application, Ref 11/24/0487, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the site location plan and drawing QUEEN-02-20 Amendment 1a.

Preliminary matters

2. I saw at my site visit that some of the changes shown on the submitted plans, such as the installation of hard surfacing and removal of front walling have been carried out, but that the drop kerb is yet to be installed. I will consider the appeal on this basis.
3. I have used the appellant's name as it appears on the application form, rather than the name that is given on the appeal form. Correspondence with the appellant confirmed that this is the correct name to use.

Main issues

4. The main issues in this case are firstly, the effects of the appeal scheme on the character and appearance of its surroundings; and secondly, its effects on the living conditions of the occupants of the host dwelling, and adjoining houses with particular reference to noise and disturbance.

Reasons

Site, surroundings and appeal scheme

5. The appeal property is within a short row of terraces, fronting Queens Road. Principally residential in character, Queens Road's buildings are of varying ages and facing materials, but in the main share a common building line and set back from the highway, which create a sense of spaciousness in the streetscene. However, in a number of instances along the road alterations have been made to front gardens, with hard landscaping installed. In some cases, these alterations are associated with the removal of boundary walls to facilitate car parking, although it is unclear whether all of these instances benefit from formal crossovers. These incremental alterations add some variety both to the block within which the appeal property sits and within the wider streetscene.
6. The proposal would see the introduction of a highway crossover by means of a dropped kerb to facilitate the use of the appeal property's front garden for car parking. I saw that hard surfacing has been installed, and that a strip of mature planting remains behind a retained element of the front wall adjacent to the boundary with No 57. These changes are consistent with the proposals as depicted on the submitted plan.

Character and appearance

7. The appeal dwelling is not in a conservation area, and I have not been made aware of any other measures that restrict permitted development rights relating to the front gardens of dwellings along Queens Road. Consequently, whilst the hard surfacing and alterations to the boundary walling have resulted in a change to the appearance of the property, I am not persuaded that they are materially different to alterations that could be achieved without needing to seek planning permission. Moreover, the character of front gardens (whether in use for car parking or not) is varied – with extensive areas of hard surfacing present at a number of properties. Whilst the proposal would facilitate car parking on the site, it would do so firmly in the context of the large parking area to the front of No 63, which is situated at the corner of the block. These considerations, taken together, mean that the appeal scheme would not be materially out of character with its surroundings.
8. Furthermore, the visual implications of the appeal proposal would be very localised, with the changes it would bring about being largely screened by intervening boundaries and planting, including the soft landscaping retained within the appeal site. Moreover, the parts of the boundary wall that have been retained would further help to integrate the development with its surroundings. Consequently, the appeal scheme's effect on the appearance of the wider streetscene would be negligible.
9. For these reasons, I conclude on this main issue that the appeal scheme would not cause material harm to the character and appearance of its surroundings. It would not therefore conflict with Policy ENV6 of the Hyndburn Core Strategy (adopted January 2012) or Policy DM26 of the Hyndburn Development Management Development Plan Document (adopted January 2018) (the DPD) or the National Planning Policy Framework. Taken together, and amongst other things, these policies seek to ensure that new development responds to place and history and maintains local distinctiveness including the character and quality of the townscape.

Living conditions

10. In facilitating car parking directly adjacent to the appeal dwelling, the proposal would result in traffic movement and associated sound closer to the building than is currently the case. However, this is in the context of a thoroughfare where the sounds associated with traffic movement and parking are commonplace elements. Moreover, the amount of traffic movement associated with a single dwelling is likely to be very limited.
11. The appeal dwelling's front garden is of limited depth. This taken together with the relative sparsity of planting that it could comfortably accommodate aside from other hard and soft landscaping elements that it could incorporate (such as paths and lawns) mean that its effectiveness as a buffer against traffic sounds from Queens Road would be marginal at best. Consequently, the removal of the previous landscaping in favour of the installed hard surfacing would not, in my view, lead to a material difference for the appeal dwelling's occupants in terms of perception of traffic sound from Queens Road.
12. These considerations lead me to conclude on this main issue that the appeal scheme would avoid adverse impacts to the living conditions of the occupants of the appeal dwelling and adjoining houses insofar as noise and disturbance are concerned. For these reasons, I find no conflict with Policy ENV7 of the Core Strategy or Policy DM29 of the DPD insofar as, taken together and amongst other things, they expect developments to protect the amenity of surrounding existing and future residents, and not to give rise to unacceptable adverse impacts.

Other matters

13. The Council is concerned that a grant of planning permission in this case would create a precedent for similar development, and cites (without providing a copy of) *Pertemps Investments Ltd v Secretary of State for Communities and Local Government and Solihull Metropolitan Borough Council* [2015] EWHC 2308 (Admin). I have not been supplied with the details of any other planning applications for similar uses along Queens Road, or any other substantive evidence that would point to pent up demand for this kind of development. Whilst other similar proposals may come forward, each one would have to be considered on its own individual merits and the material considerations relevant to it. Moreover, for the reasons set out above, I have found that the appeal scheme would not conflict with the development plan policies referred to in the decision notice. These findings do not therefore set a precedent for developments that would conflict with the development plan. Accordingly, this matter does not weigh against the appeal scheme in the overall planning balance.
14. I am aware of the appellant's comments regarding the processing of the application that led to this appeal. However, this is essentially an administrative matter that has no bearing on my assessment of the appeal's planning merits.

Conditions

15. Although elements of the appeal scheme are already in place, it is nonetheless necessary to impose a condition which specifies the approved plans in the interests of certainty. I have also included the standard implementation condition as it relates both to the use and alterations applied for. I saw that the surfacing of the site is not made of loose material and adequate drainage arrangements are

integrated into the design. Consequently, it is not necessary in this case to attach the condition suggested by the local highway authority at the application stage.

Conclusion

16. The appeal scheme does not conflict with the development plan insofar as the policies that have been drawn to my attention are concerned. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

G J Fort

INSPECTOR