



TOWN AND COUNTRY PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990

THE APPLICATION

Applicant:	Agent:
Mr and Mrs Kathryn & Terry Riley	Aldrock Surveyors Limited
1 Delphinium Way	Unit 5 Cunningham Court
Lower Darwen	Lions Drive
BLACKBURN	Blackburn
BB3 0SX	BB1 2QS

Full Planning Application

FOR:

First floor extension over existing garage and utility to create an additional bedroom

AT:

1 Delphinium Way
Lower Darwen
BLACKBURN
BB3 0SX

APPLICATION REFERENCE NUMBER: **10/18/0256**

The application was received: **15/03/2018**

THE DECISION

Date of Decision: 26/04/2018

In pursuance of their powers under the above Act, the Council

REFUSES

consent for the above development in accordance with the details given on the application form and submitted plans. Permission is refused for the following REASONS:

1. The proposed development, by virtue of its siting, would result in an unacceptable level of amenity for the adjacent occupiers of No.29 Aster Close as it fails to meet the requirements of RES E3 which sets out the separation distance that is required between a habitable room and a blank gable.
2. The proposal by virtue of its siting and scale fails to harmonise with the main dwelling and therefore does not appear commensurate or secondary in nature contrary to Policy 11 of the LPP2 and RES E9 of the Residential Design Guide.
3. The proposed development, by virtue of its size, design and siting, would result in a significant detrimental impact upon the residential amenities of adjacent occupiers of No. 29 Aster Close by virtue of an overbearing impact, overshadowing and loss of outlook contrary to the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 and RES E5 of the Residential Design Guide.

Your attention is drawn to the NOTES attached.

PLEASE NOTE:

The Local Planning Authority operates a pre-planning application advice service. All applicants are encouraged to engage with the Local Planning Authority at pre-planning application stage. As part of the determination of this planning application the Local Planning Authority endeavoured to work pro-actively and positively with the applicant in trying to resolve all the issues raised by the proposals. The Local Planning Authority has considered the application. The possibility of either the imposition of planning conditions and/or the making of reasonable amendments to the application have been explored in order to deliver a sustainable form of development in accordance with the NPPF.

Town and Country Planning (Written Representations) Regulations 1987

In accordance with the provisions of these Regulations, in the event of an appeal, the Local Authority's copy of the completed appeal form should be sent to:

The Director of Growth & Development, Blackburn with Darwen Borough Council, Town Hall, Blackburn. BB1 7DY



Ian Richardson,
Director of Growth & Development
Blackburn with Darwen Borough Council.



NOTES FOR APPLICANTS

APPLICATIONS FOR PLANNING PERMISSION REFUSED OR GRANTED WITH CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country planning Act 1990
- If you want to appeal against your local planning authority's decision then you must do so within **6 months of the date of this notice, UNLESS**
 - This is a decision to refuse planning permission for a **householder application and/or minor commercial development (shop front)**, in which case appeals must be made within **12 weeks of the date of this notice**.
 - This is a decision to refuse express consent for the display of an advertisement, in which case appeals must be made within **8 weeks of the date of this notice**
 - This is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, in which case appeals must be made within 28 days of this notice.
 - An enforcement notice is served relating to the same or substantially the same land and development as in your application, in which case appeals must be made within 28 days of the service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate> . If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, The Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 part V1 of the Town and Country Planning Act 1990

APPLICATIONS FOR LISTED BUILDING AND CONSERVATION AREA CONSENT

Appeals to the Secretary of State

- If the applicant is aggrieved by the decision of the Borough Council to refuse listed building consent for the proposed works, or to grant consent subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within **six months** of the date of this notice.
- Similarly, if the applicant is aggrieved by the decision of the Borough Council to refuse to vary or discharge the conditions attached to a listed building consent or conservation area consent, or to add new conditions following any such variation or discharge, he may also appeal under Sections 20 and 21 of the same Act within **six months** of the date of this notice.
- Any appeal must be made on the appropriate form which is obtainable from Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Bristol, BS1 6PN, Tel: 0303 444 5000. Or online at appeals casework portal.
- The Secretary of State has power to allow a longer period for the giving of a notice of appeal. He will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- An appeal may also be made on the grounds that the building is claimed to be not of special architectural or historic interest and ought to be removed from the list.

Purchase Notices

If listed building consent is refused, or granted subject to conditions, whether by the Borough Council or by the Secretary of State for the Environment, and the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted.

In these circumstances, the owner may serve on the Council a Listed Building Purchase Notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Access for the Royal Commission on the Historical Monuments in England

Your attention is drawn to the requirements of Section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Notwithstanding any listed building consent conveyed in the attached notice, or by the Secretary of State, you **MUST NOT COMMENCE** work which involves the demolition of the whole or any part of a listed building until you have given thirty days notice to the Royal Commission on the Historical Monuments of England. Form RCHME 1 is enclosed, if relevant, to enable you to notify the Royal Commission.

Offences

It is an offence for a person to execute or cause to be executed **any works** in relation to a listed building either for its demolition or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised; or which fails to comply with any condition attached to a consent. This includes the removal of interior fittings such as panelling and fireplaces. A person who is found guilty of an offence is liable on summary conviction, imprisonment up to six months or a fine up to £20,000, or both; or on conviction on indictment, to imprisonment for up to two years or a fine, or both.

APPLICATIONS FOR ADVERTISEMENT CONSENT

Duration of Consent

- If no time period is specified in a consent to display an advertisement, the consent shall be for five years commencing with the date of the consent notice.
- Except where there is expressly a condition to the contrary, an advertisement may continue to be displayed after the expiry of consent. The Council may, though, exercise its power to take discontinuance action to remove an advertisement or sign following expiry of the consent.

Offences

- If you display an advertisement in contravention of the Control of Advertisements Regulations (England) 2007, you shall be liable on summary conviction of an offence under Section 224(3) of the Town and Country Planning Act to a fine of an amount not exceeding level 3 on the

standard scale and, in the case of a continuing offence, £100 for each day during which the offence continues after conviction. In 1994, a level 3 fine was £1,000.

Appeals to the Secretary of State

- If you are aggrieved by the decision of the Borough Council to refuse consent or to grant consent subject to conditions, you can appeal to the Secretary of State for the Environment under Regulation 15 and Schedule 4 of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.
- **If you want to appeal, then you must do so within eight weeks of the date you receive this notice**), using a form which you can get from Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Bristol, BS1 6PN, Tel: 0303 444 5000. Or online at appeals casework portal. The Secretary of State is not required to entertain such an appeal if it appears to him, having regard to the provisions of the regulations, that consent for the display of the advertisement(s) could not have been granted by the Local Planning Authority, or could not have been granted by the Local Planning Authority otherwise than subject to the conditions imposed by them.