

Proposed development: Full Planning Application for Change of use to land to Use Class C3 as an extension to existing garden

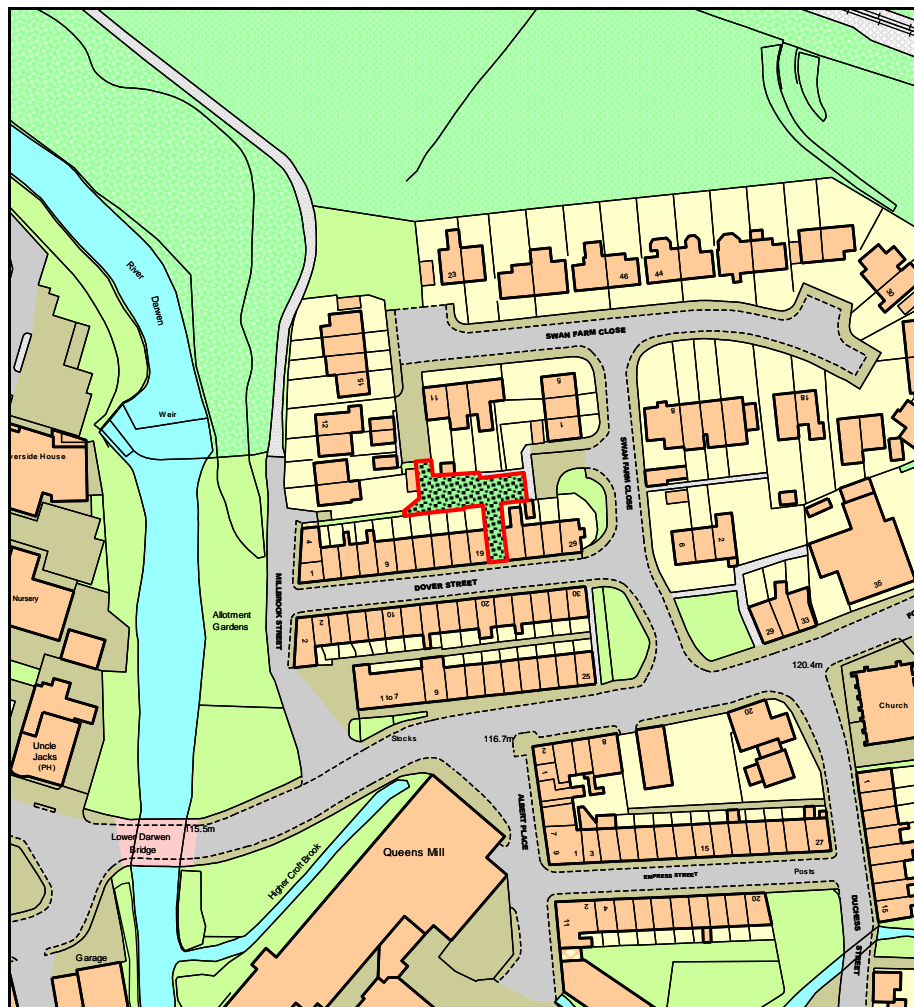
Site address:

**Land to the rear of 21 Dover Street
Lower Darwen
BB3 0QR**

Applicant: Mr Marc Robson

Ward: Blackburn South & Lower Darwen

Councillors: Denise Gee; Jacqueline Slater; John Slater



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions, as set out in paragraph 4.1

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 This planning application is presented to Committee in accordance with the Scheme of Delegation of the Council's Constitution, in which the application has received a high number of objections from local residents and the proposal is retrospective.

2.1.1 During the application process a land registry search established that a small parcel of land which was initially included in the proposal was confirmed to be unregistered land, and therefore was outside the applicant's ownership. A revised scheme was received which showed the proposed change of use to the land to residential was to be limited solely to that within the ownership of the applicant, and therefore certificate A would suffice.

2.1.2 After a subsequent site visit in mid-May, it was acknowledged that the applicant had commenced with works by way of site clearance, digging out foundations for the proposed boundary treatment retrospective works. The applicant was advised by the Council's Planning Enforcement Officer to stop any on-going works and that any further works, which proceeded, would be done at their risk. The fence was later erected around the perimeter of the application site. However, after a further site visit it was concluded the boundary treatment was positioned circa 1.3m outside the applicants ownership towards the northern boundary.

2.1.3 As such, the correct procedural methods have been followed in relation to land ownership. This required the applicant to sign Certificate D of the application form and publish the intention to develop the land as described on the submitted development description in the local newspaper for a minimum of 14 days. Thereby affording the opportunity for an owner to make representation. No such representation has been received and the application is accepted as procedurally correct, enabling it to progress to determination.

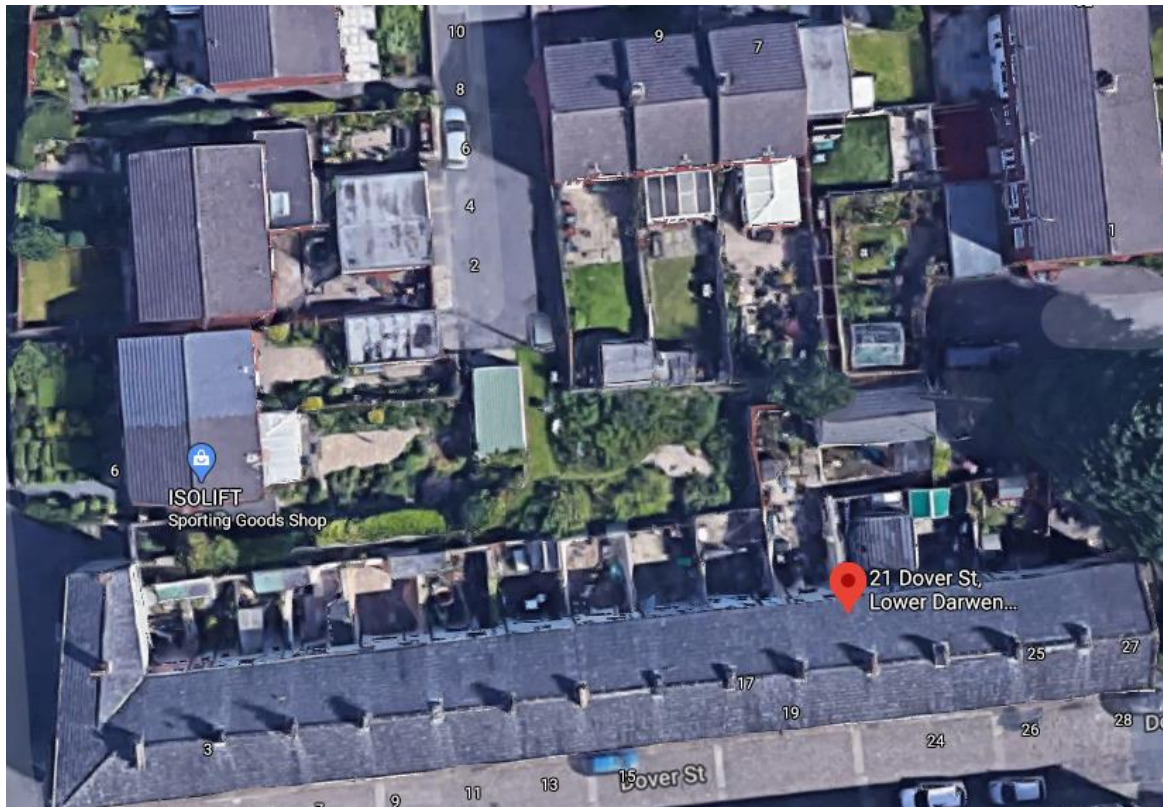
2.1.4 The key issues in the assessment of the application are the impact of the development on residential amenity and upon landscape character. In arriving at the recommendation, all material matters have been considered, in the context of relevant Development Plan policies and The Framework, as set out in the Assessment section of this report.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site relates to a currently vacant piece of enclosed land to the rear of the properties on Dover Street, Swan Farm Close and Millbrook Street, Lower Darwen.

- 3.1.2 The proposed piece of land largely consisted of overgrown vegetation and was previously subject to tipping of a small amount of waste.



Google aerial view of the application site to the rear of Dover Street

- 3.1.3 The proposal site can be reached via two separate entry points. A small footpath runs between the existing garage of No.21 Dover Street (approved under planning ref.10/05/1255) and the rear garden areas of No.7-11 Swan Farm Close. Access can also be obtained from a circa 3.5m opening at the side of the garage of No.6 Millbrook Street and side boundary fence of No.11 Swan Farm Close.



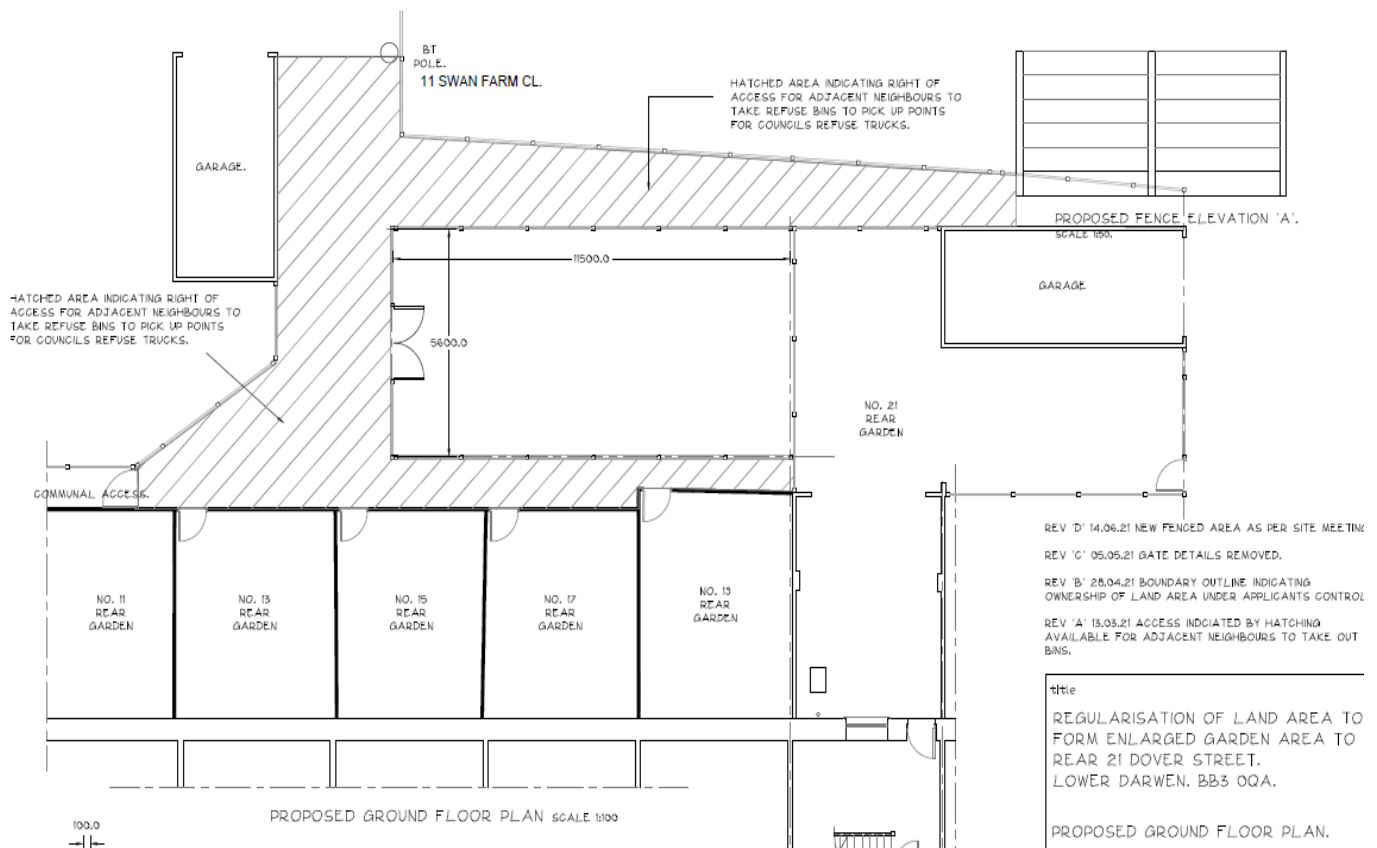
Photos of access into and out of the site.

3.2 Proposed Development

3.2.1 Planning permission is sought for a change of use to land as residential garden area (Use Class C3) associated with No.21 Dover Street.

3.2.2 As previously noted, the works have commenced in the form of erecting a fence as a means of enclosure without a subsequent decision. The application is therefore retrospective.

3.2.3 The proposed change of use of the land will adjoin the existing rear domestic garden area, as set out in the submitted proposed site plan.



3.3 Development Plan

3.3.1 Section 38 (6) of the Planning and Compulsory Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3.2 For Blackburn with Darwen Borough Council, the 'Development Plan' comprises the adopted Core Strategy DPD (2011) and Local Plan Part 2 – Site Allocations and the Development Management Policies (2015). In determining the current proposal the following are considered to be the most relevant policies:

3.3.3 Core Strategy

- Policy CS1: A Targeted Growth Strategy

- Policy CS13 – Environmental Strategy
- Policy CS16 – Form and Design of New Development
- Policy CS18 – The Borough’s Landscapes

3.3.4 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 25 – Residential Curtilages

3.4 **Other Material Planning Considerations**

3.4.1 National Planning Policy Framework (NPPF) (July 2021)

- Section 2: Achieving sustainable development
- Section 12: Achieving well-designed places

3.5 **Assessment**

3.5.1 In assessing this application the following important material considerations are taken into account:

- Principle of the development
- Amenity impacts
- Design/character and appearance impacts
- Environmental impacts
- Highways considerations

3.5.2 Principle

3.5.3 As an undesignated site located within the Urban Area of Blackburn with Darwen, the development is consistent with Policies CS1 and Policy 1 of the Local Plan Part 2 (2015) which state that the urban area is the preferred location for new development. In land use terms, therefore, the principle of a change of use to residential garden is supported.

3.5.4 The principle of the development is also accepted, in accordance with the NPPF’s presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters:

3.5.5 Amenity

3.5.6 The extension of a residential curtilage to provide private garden space can result in the introduction of domestic features and maintained land into an

otherwise unaltered landscape. Policy 25 of the LPP2 (2015) relates to residential curtilages which explains how the Council manages this issue, stating the following:

‘An extension to a residential curtilage will only be permitted where it will not, in isolation or in combination with other committed or completed development, lead to any detriment to visual amenity or to the character of the surrounding landscape. In appropriate cases the Council will remove permitted development rights in order to protect the character and amenity of the landscape.’

- 3.5.7 The application site is enclosed by the residential gardens of surrounding properties. As such, it can only be seen from the first floor windows of adjacent private dwellings and will not be visible from public realm. Taking this into account, the proposal is not considered to lead to any detriment to visual amenity or to the character of the surrounding landscape. The proposed garden extension meets the requirements of Policy 25 of the LPP2 (2015).
- 3.5.8 Policy 8, amongst other criteria supports development which has no unacceptable impact on the amenity of the property itself, and adjacent properties with reference to noise or other nuisance, privacy, light dominance.
- 3.5.9 Local residents have expressed concern regarding that potential use of the site as an area used to carry out works on vehicles (i.e. motorbikes), and therefore the subsequent noise nuisance that could be associated with these activities. It seems unreasonable to add a condition stating that no vehicle shall enter the site given any motorbike repairs could potentially be carried out in the existing garden area by virtue of access through the existing garage. However, it is worth noting a vehicle entering the site via the entrance between 11 Swan Farm Close and the garage of No.6 Millbrook Street could be committing an offence under Section 184 of the Highways Act 1980 in driving a vehicle across a footway, or verge, where there is no proper vehicle crossover.
- 3.5.10 The sites relationship with neighbouring gardens is typical of the urban environment and some noise in this context may arise. To ensure no detrimental harm upon amenity of nearby occupiers, a condition is to be attached for the land to be used solely for uses incidental to the enjoyment of No.21 Dover Street i.e. domestic purposes as part of garden land. No trade or business shall be operated from the land at any time. Any unauthorised use of the land will be subject to enforcement action being taken.
- 3.5.11 The proposal is not considered to cause any unacceptable impacts in terms of loss of privacy/overlooking due to the ground floor relationship and boundary treatment which will act as an appropriate screen.
- 3.5.12 Initially, concern was raised with the original scheme regarding the collection of bins given the back-to-back nature of the proposed change of use to the land with the rear gardens of the properties Dover Street and Swan Farm Close. The amended proposed plan shows the retention of an area of land surrounding the proposed change to garden area which will ensure that the

affected dwellings can continue to take their bins to the pick-up points to be collected.

3.5.13 Objections have been received relating to the ability to access and maintain the rear of their properties. Maintenance of boundary fences/walls is typically undertaken from the inside of properties, however it is considered works could take place externally, if necessary.

3.5.14 Whilst it has been established that the proposed development would not give rise to any detrimental impacts on visual/residential amenity, it is considered necessary to remove permitted development (PD) rights for Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 which relates to outbuildings. Furthermore, it also seems reasonable given the sensitivity of the site in terms of the close proximity to rear garden areas to remove permitted development rights for fences, gates and walls (Part 2, Class A). As such, this will be secured through a suitably worded condition to allow the local planning authority to control and to fully consider any additional impacts that could arise as part of any development within the site.

3.5.15 Design/Character and Appearance

3.5.16 Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area.

3.5.17 It was noted on the case officer's first site inspection that the previously vacant piece of land was subject to a small amount of fly tipping and littering. Both factors contributed to giving it an untidy appearance. The proposed site was also largely covered with overgrown vegetation further adding to its eyesore nature.



Photos 1 and 2 of application site from first site visit taken on 26th February 2021

3.5.18 The existing boundary treatment enclosing the rear garden areas of the surrounding adjoining properties to this parcel of land provides the plot with a

sense of enclosure and privacy. However, a circa 1.8m high fence has been erected around the perimeter and a double gated door to the west elevation has been installed to further enclose the site. The boundary treatment is not considered to form an obtrusive feature nor will it appear as in incongruous addition given it replicates similar arrangements in the immediate area.

3.5.19 As can be seen from the below images, domestic waste items and overgrown vegetation have been removed during the clearance works. Overall, the proposal site appears much more aesthetically pleasing and can be considered to be a positive contribution to local area given it has been tidied and future maintenance of the land as domestic garden space will prevent any occurrences of waste being dumped.



Photos 3 and 4 of application site showing site clearance and erected fence

3.5.20 Environmental

3.5.21 Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, including but limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.

3.5.22 The application site holds no ecological value. It comprises of largely overgrown vegetation and is absent of any trees. As such, the proposed change of use to the land as garden will have no environmental consequences.

3.5.23 The Council's Drainage officer (as Local Lead Flood Authority) offers no objection. However, it is stated if any impermeable surfacing is proposed drainage details must be submitted to the local planning authority for assessment. A suitably worded condition is to be attached.

3.5.24 Highways

3.5.25 Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced.

3.5.26 No Public Rights of Way or adopted footpaths run through the site. The footpath to eastern boundary of the site which runs between the existing garage with No.21 Dover Street and rear of No.1 and No.7 Swan Farm Close is to be retained to enable access for bins.

3.5.27 The proposed development therefore poses no highways concerns, in accordance with Policy 10 of the LPP2 (2015).

3.5.28 Other considerations

3.5.29 Objections have been received regarding the raising of the land slightly between No.7-11 Swan Farm Close and the northern boundary of the site due to the soil which was removed to form the foundations of the fence. Concern is indicated that these works will cause increased dampness and subsequent damages to the shed/garden of No.11 Swan Farm Close. The works are not considered to be engineering operations and therefore cannot be controlled by Planning. It appears this issue is a civil matter between the relevant parties. The planning enforcement team have advised the issue has been passed onto the Environmental Health Department to investigate if any action can be taken, as a result of fly tipping. The below site photos show the improvement of this access route.



Photo 5 and 6 of Rear of 9 and 11 Swan Farm Close, taken on 26th February and 24th May.

3.5.30 An objection received by a neighbouring occupant states access to the garage associated with No.6 Millbrook Street is being blocked by vehicles parking. This is not considered to be in the control of planning and has therefore not been taking into consideration on the assessment of this application.

4.0 CONCLUSION

4.1.1 This assessment takes into account a range of material matters associated with the full planning application for a change of use of previously vacant land to domestic garden associated with 21 Dover Street. On balance, the proposed development is considered to meet the requirements of the relevant

Development Plan policies, subject to conditions in order to make the development acceptable in planning terms.

5.0 RECOMMENDATION

5.1 Approve subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this permission, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

- Amended Location Plan – Received 8th July 2021
- Drawing No.02, Rev D – Amended Proposed Ground Floor Plan - Received 14th June 2021

REASON: For the avoidance of doubt and to clarify, which plans are relevant to the permission.

3. The development hereby approved shown on Proposed Ground Floor Plan received 8th July, shall be used solely for uses incidental to the enjoyment of the existing dwellinghouse known as 21 Dover Street and no trade, business or other purpose shall be operated from the land at any point in the future

REASON: To safeguard the amenities of the adjoining premises and the area in accordance with Policy 8 of the Blackburn with Darwen Local Plan Part 2 (2015).

4. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), no development of the type specified in Class E of Part 1 of that Schedule or Class A of Part 2 of that Schedule shall be carried out unless planning permission has been granted first.

REASON: To ensure enhanced control over future development of the properties; in the interests of preserving residential amenity and the area generally, in accordance with Policies 8 and 11 of the Blackburn with Darwen Borough Local Plan Part 2 (2015).

5. Should the development hereby approved include any changes of the ground to impermeable surfacing above five square metres, a drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure a safe form of development that poses no risks to flooding in accordance with Policy 9 of the Blackburn With Darwen Borough Local Plan Part 2.

6.0 PLANNING HISTORY

- 6.1 10/05/0154: Conversion of waste land following demolition of houses on Back Dover Street to form extended garden areas for 11-23 Dover Street. Approved by delegated decision on 18th April 2005.
- 6.2 10/05/0877: Erection of a garage/workshop. Refusal on 1st November 2005.
- 6.3 10/05/1255: Erection of garage 7m x 3.2m x 2.8m to ridge. Approved by the Planning and Highways Committee on 22nd March 2006.
- 6.4 Erection of Single Storey Rear Extension. 6.00m from rear wall, Max Height: 3.395m, Height to Eaves: 2.970m. Prior Approval Householder Notification Scheme. Prior approval is not required on 24th June 2021.

7.0 CONSULTATIONS

- 7.1 Drainage
No objection subject to drainage details being submitted for any area above 5 square metres that is changed to impermeable surfacing.
- 7.2 Public Consultation
Public consultation has taken place by means of 17 letters posted to surrounding neighbouring addresses on 10th March 2021. The application has also been advertised in the Local Newspaper by virtue of the Certificate D process. Neighbours were re-consulted by letters on three separate dates (17th March, 5th May and 14th July), in relation to amendments on the application. A list of objections can be seen below:
- Access to take and collect bins
 - Use of land for vehicle parking and repairs to vehicles
 - Retention of access to the rear of all surrounding properties
 - Soil disposed against boundary fence

In response to the public consultation, a total of 10 objections have been received, although some of these are repeat comments. A summary of these objections are shown below in the summary of representations section.

8.0 CONTACT OFFICER: Jamie Edwards, Planning Officer

9.0 DATE PREPARED: 04 August 2021

10.0 SUMMARY OF REPRESENTATIONS

Objection - Deborah Kemp, 11 Swan Farm Close, Lower Darwen. Rec – 26/02/2021

Dear Sir

I write with regards to the letter I received dated 17 February 2021 in respect of full planning application to residential curtilage at 21 Dover Street, Lower Darwen, BB3 0QR.

I live at 11 Swan Farm Close, Lower Darwen, BB3 0QU and strongly oppose this application and the implications it will have should it be passed. I am hoping that somebody from the Planning Department has been out to view this area and not just taken a written view of the area.

I also ask whether letters have been sent to the residents of Millbrook Street as this will affect them directly as their garages are in this area.

This land was purchased quite some time ago as the applicant requested to build a working garage and had the proposal rejected, he has since build a standard garage and spends quite a lot of time purely revving motorbike or car engines in there, unsure what he is actually doing.

He advised all residents whose properties adjoin this land when planning was originally sought that he would be looking to keep the area well maintained and in a good state, I have never seen him on this part whatsoever and it has been looked after by the residents of Swan Farm Close and Dover Street until now.





He dumped this during Christmas and New Year as I watched him from my bedroom window do this - I was hoping that he would be removing it all as January started but here we are towards the end of February and still resembles a building site. In addition the state of the wall adjoining his neighbour can be seen where he has built this up with horrendous breeze block and if I was his neighbour would be complaining about. Unsure whether this structure would even be safe building high up on an existing aged stone wall.

I cannot see anywhere on the planning where he proposes where all the properties on Dover Street and Swan Farm will be able to take their bins out as they are usually put down the side of my home for ease for the bin men on collection day and have been since I moved here 16 years ago and prior I believe. He has proposed on the drawing to install double gates partway down my fence at the side of the telegraph pole, where would this leave access at the back to get out?

Swan Farm Close is extremely limited to parking for residents as it is and even more so at the side of my house which affects the whole of Millbrook Street and part of Swan Farm Close. There are elderly residents who will leave their cars out of their garages during the day at the entrance to where he proposes double gates so as not to effect on their neighbours being able to get their own cars out of their garages and if this was looked at it would be highly evident that using this way as an entrance would be unfeasible. There is limited space to drive through between where I park my car in the front of my house and where my neighbour does and I have had my car hit and my front garden fence post hit, both times the neighbour had knocked on to let me know. More traffic flow through here risks my car even further. Or shall I park on somebody else's street to suit his car park venture. Does he propose to attach these double gates to my fence and number 6 Millbrook Street's garage as this is how the plans look? If he proposes to have access for the residents to take their bins out do they now have to take down the gated ginnel at the far end of Dover Street, that is full of rubbish and impassable, as he would not be able to fence off enough of a path from back gates down the side of the garage and into Swan Farm where the bins are collected as this would not leave enough room for double gates.



The plans say 'land area to be regularised' regularised to what? What proposal is the meaning of this wordage? To change the land usage to what? As his original proposal to have a working garage and area would be an absolute travesty for this to be used as a means to change into a car park or does he propose to have a huge well maintained garden and extend the terraced house throughout his own garden and through the back of between the two lots of properties. The way he has allowed this area, when we have all maintained it, not him, his land! to become his own dumping ground is not acceptable.

I would kindly ask that town planners visit the area and look at the planning proposal in more depth as to what he actually wants to achieve in this area.

Objection - Deborah Kemp, 11 Swan Farm Close, Lower Darwen. Rec – 25/03/2021

Hi Jamie

I refer to your letter dated 17 March 2021 in respect of amendment of planning application at 21 Dover Street, Lower Darwen, BB3 0QR.

I again oppose this application as I did the first application as it will directly affect on my home. Where the plans propose I will not have any access whatsoever to the back of my property unless an alley is left. I cannot maintain my fences on a yearly basis as I will not be able to get to them.

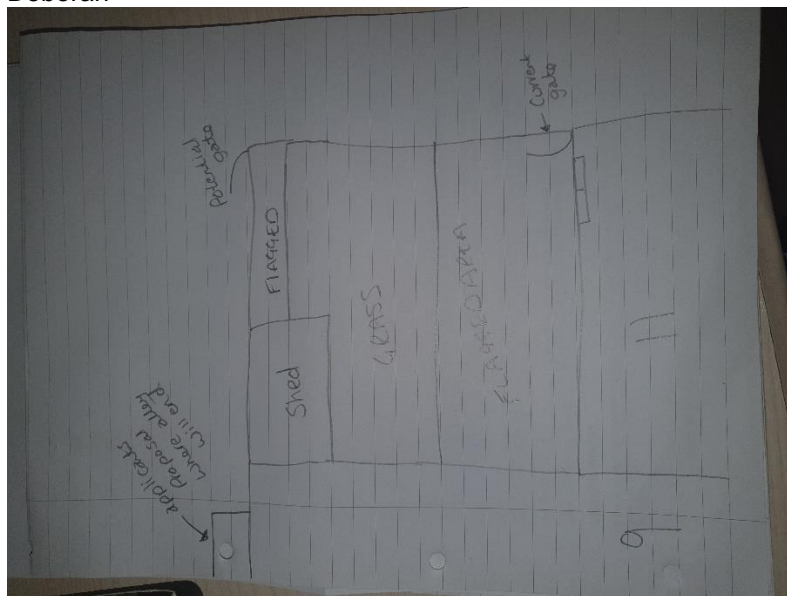
I am also considering looking at an extension to my kitchen (please see my quickly thrown together area plan to my garden) to the flagged area and if I go ahead with this it will mean I will need to move the current gate directly at the side of the back of my home and I do not want to then have to put a gate in the middle of my grassed garden area as the access to the back of my home has been taken away. I will put a new gate in at the bottom of the fence and will need to use this for access for myself and for my refuse and recycling.

I noticed the applicant yesterday evening with 2 what looked like builders as they had tape measures and although I could not hear what they were saying they had the tape measure up to the height of his current corner fence posts, which is a lot higher than the ground behind and looked to indicate that he wanted the alley to be fenced off to the same height - I'd take a guess at 8ft. They were also measuring at an angle directly from my back fence to the garage of number 6 Millbrook Street - a change from the original plans where he wanted to go across rather than diagonal.

I am happy for the applicant to make the area nicer as currently it is a dumping ground as long as there is access to the back of my home and that the height of the alley is not ridiculous like he has added on to both sides of his home with breeze block which look unsafe and a mess.

Kindest regards

Deborah



Objection – Deborah Kemp, 11 Swan Farm Close, Lower Darwen. Rec – 03/05/2021

Hi Jamie

I refer to planning in respect of an application at 21 Dover Street, Lower Darwen, BB3 0QR. I am aware that planning has been amended a couple of times but unsure if this has now been granted. I live at 11 Swan Farm Close and am not happy with the way he is progressing with the work and attach 2 pictures. He has literally taken all the soil from the land which finally has now been proven to be his and not all of it as he originally argued and piled it all up against my fences. The soil now completely covers the whole of the concrete where my panels sit on and is probably about 10 inches higher at that side compared to the inside of my garden at the rear of my shed.

This is going to cause my concrete to rot and shift and will push backwards into my garden against my shed causing damage. I am also fearful that as this soil gets wet not only will it do as above but also as water finds its lowest point will come into my garden under my shed and again cause my significant damage over time.

Is it the planning department who can look into this or will it be a case of I get the soil shifted myself back onto his land and not against my property causing issues?



Objection – Deborah Kemp. Rec – 19/05/2021

I write with regards to planning application - change of use of land at 21 Dover Street - I caught up with your colleague who was here last week and my neighbours and I went through our concerns. We pointed out where all the soil and rocks had been piled up against our fences and as you advised me that this is now a civil matter and I would need to speak to a solicitor, he said the same. However, when we pointed out that we believed this to be a fly tipping issue he said he would speak to Environmental Health. Unsure where this may be up to!

The applicant has since moved majority of the soil after he came aggressively bounding down the street to myself and my neighbour calling us grasses!! I soon put him in his place.

Your colleague advised that although the applicant has been told to stop working as planning has not been granted and whatever he does he does so at his own risk that in 70% of cases, as the area is not a threat to human life such as continuing work near a rail track for example, that the chances of anything being followed through by the council in respect of planning outside his own land/scope etc

and being made to wait for planning/remove what he has already done is practically unheard of. It was pointed out also that we had the Land Registry for this area and he has already built on land he does not own. So I said well it is irrelevant then planning even coming out if he can build whatever he wants without consequence, can continue to build even though he has been told to stop until it has been passed and also building - your colleague found my use of the word irrelevant key to my concerns in the main! and reiterated that as it wasn't a threat to human life doubtful anything would be enforced.

The applicant has continued again after being told twice planning has not been approved yet as clearly he is also aware that it is 'irrelevant'.

The applicant has 'promised' myself and my 2 neighbours that he will not be bringing any vehicles on this land and will be solely using as a garden - if this is not the case again I assume our concerns will also be 'irrelevant'

Objection – Deborah Kemp. Rec – 02/08/2021

Hi

Further to your letter dated 14 July 2021 I refer you to my email of 19 May 2021 '

I write with regards to planning application - change of use of land at 21 Dover Street - I caught up with your colleague who was here last week and my neighbours and I went through our concerns. We pointed out where all the soil and rocks had been piled up against our fences and as you advised me that this is now a civil matter and I would need to speak to a solicitor, he said the same. However, when we pointed out that we believed this to be a fly tipping issue he said he would speak to Environmental Health. Unsure where this may be up to!

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I find it highly pointless writing to the Planning Department as nothing has been done whatsoever to any concerns raised, no feedback, he has finished the works even before planning has been granted and he has literally filled the back of my house - 11 Swan Farm Close, with ripped up decking, stones, all the things he no longer has use for - again I doubt even your colleague who said he would liaise with Environmental Health has crossed his mind since he left the area!

I am unsure why you even send the letters out as it is evident from Land Registry that he doesn't even own some of the land that he has built on, like he did with his garage.

Very disgruntled home owner

Objection - Jon Lucas. Rec – 18/03/2021

Good afternoon

I'm writing in response to your letter dated 17th March 2021.

Whilst it tells me that there is a planning application to extend a garden, it tells me nothing about how far it is to be extended, or what will be left by way of access from the rear of my house.

Is there a drawing that can be viewed? Are you able to advise whether the footpath that will have to be left around the extended garden will be appropriately levelled and cleared, and ideally paved?

My concern is that we will be left with a very narrow walkway through which to take our bins out, on uneven, saturated, muddy ground.

Currently, we are able to walk onto the middle of the land, which is not great but at least it's flat and we can avoid the worst of the mud.

Any details around this application would be appreciated.

Objection - Dave Cowburn, 9 Swan Farm Close, Lower Darwen. Rec – 31/03/2021

I write with regard to Reference 10/21/0099 and the amended plan that has been submitted.

In my previous correspondence I detailed that I had no real objections if I continued to have access to the rear of my property, to the rear of number 11, Swan Farm Close and access to Millbrook Street.

Having spoken to the applicant, he originally informed me that this access would remain via a small alleyway. I was agreeable to this provided a minimum clearance was agreed. Unfortunately following the amended plan and having spoken to the applicant again, this no longer appears to be the case. I do not think this is reasonable nor acceptable and I must raise my objections for the following reasons.

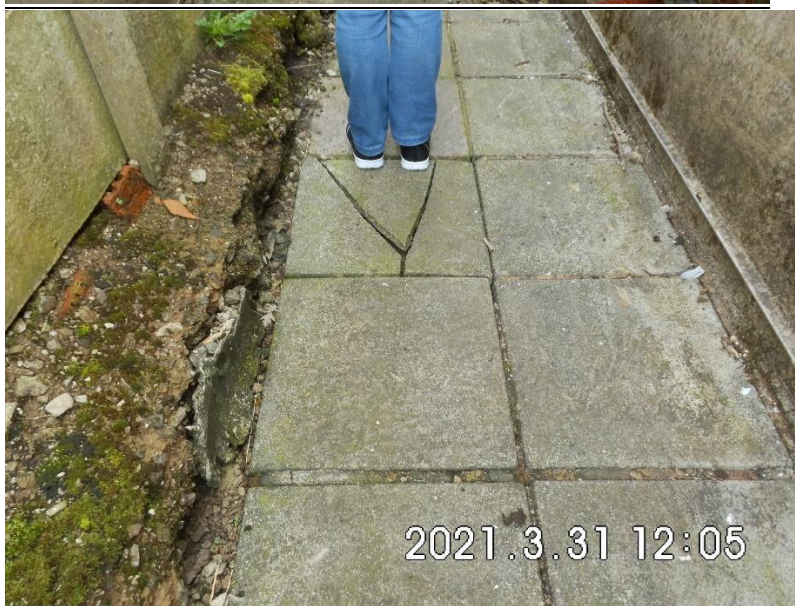
- 1) I have been a resident of Swan Farm Close for 35, Years. 22 years at my current address. Access has always been available to the rear of my property.
- 2) The proposed access on the plan that I am to use via the rear of 7, Swan Farm Close is not suitable. The minimum width is only 860mm. I did believe that a minimum clearance of 1000mm was necessary. Furthermore I consider this proposed route to be dangerous. There is a damaged and loose slab with a 30mm protrusion. There is also a spiked bar at head height that could represent a foreseeable hazard. The slabs are also slippery. Does the applicant have/need any liability insurance if he is to invite people to have access via the proposed route? The proposed route is difficult to access at present. The area is blocked off with wheelie bins. There is no consideration towards other local residents. I have photos taken over the last six days following the last refuse collection and the bins have not been moved. Vehicles are always parked here and my neighbour at 1, Swan Farm Close requires access to their garage.
- 3) The need for residents to have building materials etc being loaded to the rear of their properties. I am planning a conservatory refit and other garden works in the near future that simply could not be delivered efficiently without access to the rear of my property. Other residents will also encounter this difficulty.
- 4) Access for wheel chair users or mobility scooters. Whilst in these times of covid we have not been able to socialise, I have a disabled uncle and aunty at 27, Swan Farm Close who cannot use the steps to the front of the house. They are however able to enter via the rear at present.
- 5) The applicant appears to believe that he can join his new fence/boundary to my existing fence posts and panels. This fence is owned by myself and is maintained by myself. There are no shared space or use agreements. It is necessary to maintain this boundary. If the applicant did extend his garden and use my fence as a boundary I would not have any access to maintain. Any attempt to join this garden extension using my fences/property as its boundary will be robustly resisted and appealed against.

In relation to the above points all I ask is that considerations be made in to the required access. However, I do have some other reservations and would appreciate comments with regard to the following.

- 1) Do you have the proof of ownership documentation in regard to the land subject to this planning application? I do not believe the applicant owns all of the land that is subject to this plan. Could a copy of the land registry document be provided under the freedom of information act please? I am aware that the applicant has already approached and received cash payments from several residents as he claimed that they had taken land belonging to him and he demanded payment for the said land.
- 2) Purpose of use – Please can you confirm that this application is simply for a garden extension. The applicant keeps motorbikes and regularly maintains the same in his garage. Whilst at present this does not concern me, I am aware that this is causing a nuisance to some of my neighbours. The proposed plan would easily accommodate motorcycle access and I do not want issues with nuisance or noise to the rear of my property.
- 3) The proposed access for my neighbours on Dover Street appears to be below the minimum clearance that I would expect to be reasonable. Can you confirm that the proposed access of 900mm width is reasonable in consideration of a kitchen fire or other blue light emergency?

I have attached a few photographs to demonstrate some of the observations I have made.







Objection – Mr I D Hoyle, 7 Swan Farm Close, Lower Darwen. Rec – 24/05/2021
Proposed planning permission to 21 Dover Street, Lower Darwen.

I am again writing to air my concerns and objections regarding this plan.

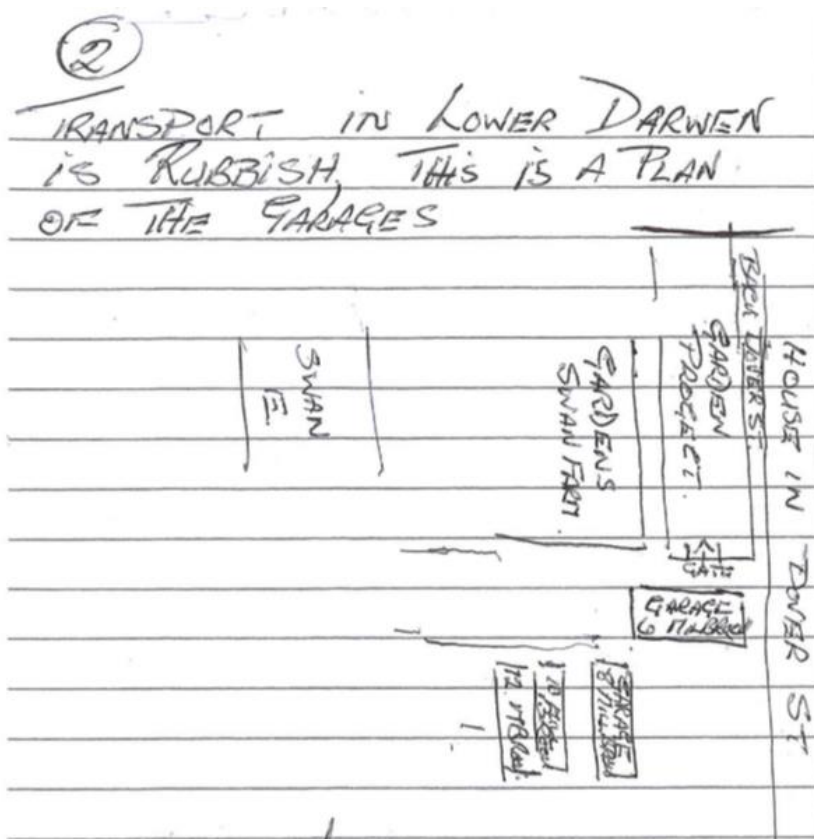
He has virtually finished the proposed fenced area and has erected large double gates, even though he has been advised to discontinue the work until planning permission is given. He has gone off plan and encroached onto land he does not own. The big concern to the residents locally is that he will be taking cars into the fenced area to work on them. It is a very quite cul-de-sac with well established rear gardens of the residents adjoining the land and our outdoor spaces are used a great deal, weather permitting, for recreation and relaxation, the last thing the residents want is to hear him revving engines and tinkering with cars and motor bikes. There can only be 1 reason for the big double gate and that is for access for vehicles.

Another reason for our concerns are all the other fence panels of the residents are 4' high and he has erected 6' high. He also tells different stories to different people about what he is going to use the land for. He has admitted to a resident on Millbrook Street he is intending to drive vehicles on there.

He has shown complete contempt of the Planning Department, carrying on working when being advised to wait. His attitude is that he will do as he pleases whatever.

Objection - Mr Bernard Reed, 8 Millbrook Street, Lower Darwen. Rec - 28/07/2021

DEAR SIR.
RE YOUR LETTER (DATED) 14TH JULY 2021.
REF. 10/21/0099) I DO NOT HAVE
A PROBLEM WITH THE GARDEN
EXTENSION AT 21 DOVER STREET THE
PROBLEM IS PARKING AND ACCESS TO
ANYONE ELSE IN DOVER STREET
NEEDING WORK ON THEIR PROPERTIES..
AS YOU HAVE LET THIS GENTLEMAN,
BLOCK (BACK) DOVER STREET OF, THE
ONLY ACCESS IS VIA SWAN FARM CLOSE
AND DOWN THE BACK OF MILLBROOK STREET
WHERE PARKING IS A PROBLEM. AND
I NEED TO ACCESS AND EGRESS MY GARAGE
AT ALL TIMES. MY WIFE AND I ARE BOTH
MID TO LATE 70S AND PUBLIC



Comment – Mrs D Billington, 6 Millbrook Street, Lower Darwen. Rec – 23/02/2021

How are we to maintain our garage down that side if he's putting a gate there? Is the gate going to be locked all the time, and are cars going to come down the cul-de-sac through onto his land I'm not bothered over the building on the land it's a mess anyway, but there is no room for more cars .

Comment – Dave Cowburn, 9 Swan Farm Close, Lower Darwen. Rec – 10/03/2021

Apologies for the last ,minute correspondence.

I am the homeowner at 9, Swan Farm Close. **David Cowburn.** A resident on the close for 35 years.

In relation to the above application, I have no real objections. I note from the plan supplied with the application that I will remain to have access to both the left and right of my back garden entrance. This is most important. It has always been this way for that long! A minimum clearance must be maintained to allow access. This access includes putting out the bins and any other access that I may require with regard to household and garden maintenance. As a neighbour to the residents on Dover Street, I would suggest that their needs are also considered. Access to the rear of all properties concerned must be explored. Especially if we are to anticipate a kitchen fire or another blue light emergency requiring access from the rear.

Thank you for your consideration.

