

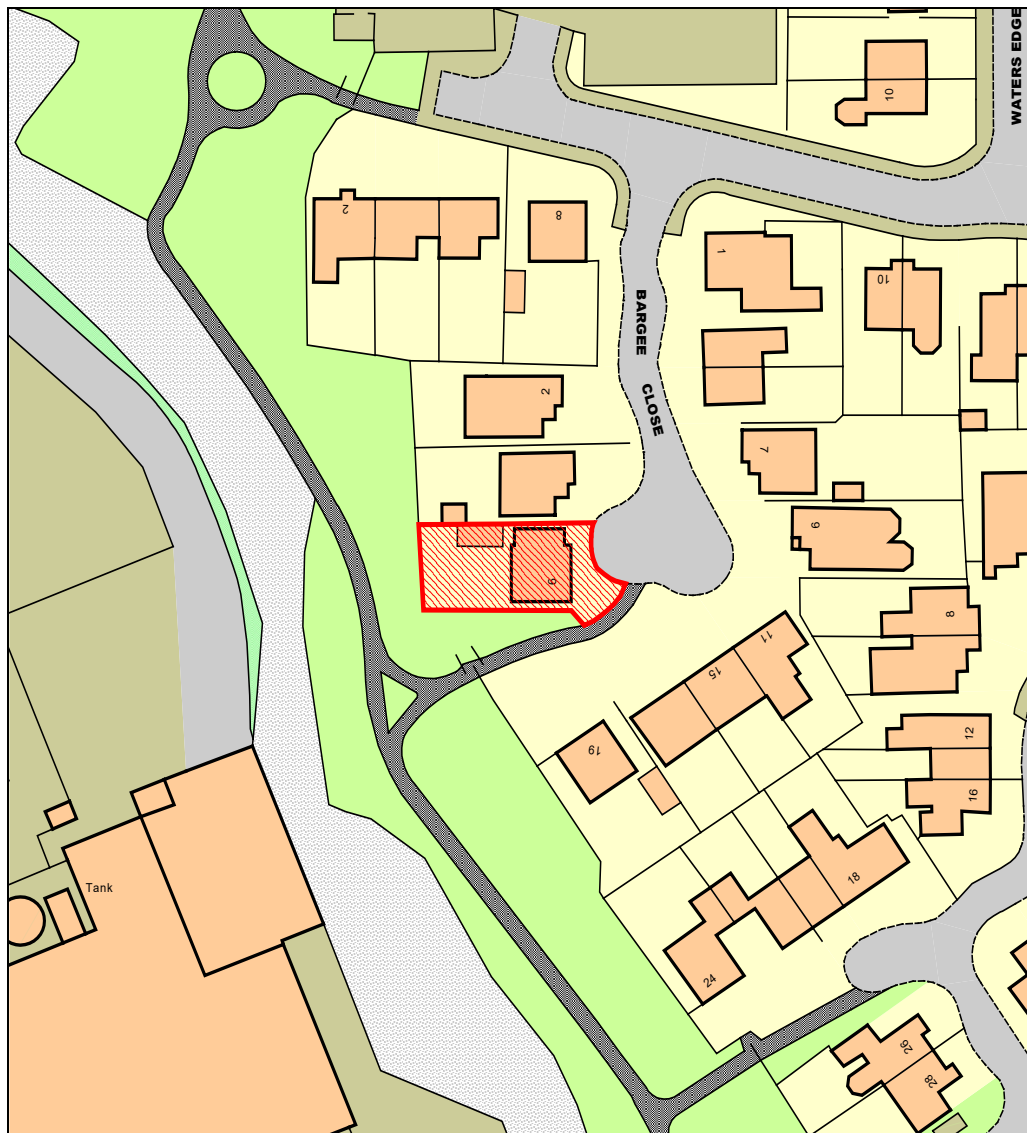
Proposed development: Full Planning Application for Double storey side extension, double and single storey rear extension and front extension including porch

**Site address:
6 Bargee Close
Blackburn
BB1 1BW**

Applicant: Irfan Mulla

Ward: Blackburn Central

**Councillor Samim Desai
Councillor Mahfooz Hussain
Councillor Zamir Khan**



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

2.1.1 The application is reported to the Committee in accordance with the Chair Referral Scheme of the Scheme of Delegation due to the number of objections and letters of support received from local residents.

2.1.2 This proposal relates to a two storey side and rear extension, and single storey extensions. A number of objections and letters of support were received, relating to loss of light, outlook, privacy, and other matters. These issues are addressed later in this report.

2.1.4 Assessment of the application finds that the proposal is acceptable and complies with the relevant policies. It is acknowledged that there would be some impact on the amenity of the adjoining property (4 Bargee Close) in particular. However, these impacts are not considered to be excessive or unacceptable. Therefore, in accordance with the presumption in favour of sustainable development as set out in the NPPF, the proposal is considered acceptable.

3.0 RATIONALE

3.1 Site and Surroundings

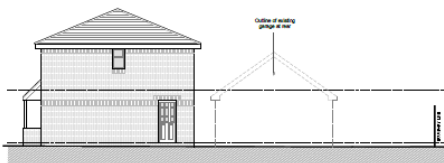
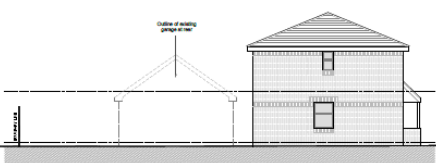
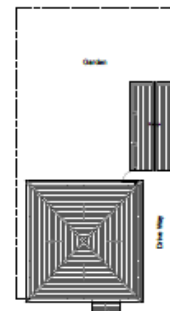
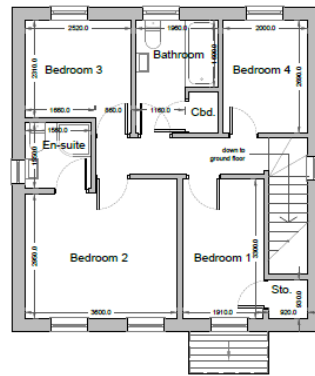
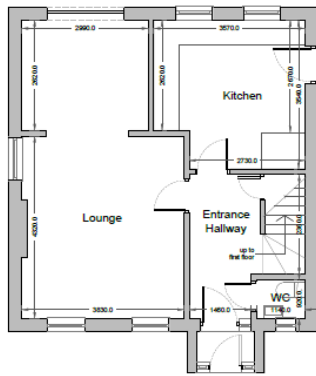
3.1.1 The property is situated on the western side of the residential cul-de-sac Bargee Close, Blackburn. To the rear of the site is a private garden area and a detached garage, and a small driveway is positioned to the side. The site is within the inner urban area of Blackburn in a coal low risk area.

3.1.2 The proposal is for a double storey side extension, double and single storey rear extension and front extension including porch. The existing dwelling is a two storey detached dwelling constructed in red brick, having a hipped tiled roof form. The extension has been set in from the boundary so as to not cause any encroachment issues within the neighbouring property.

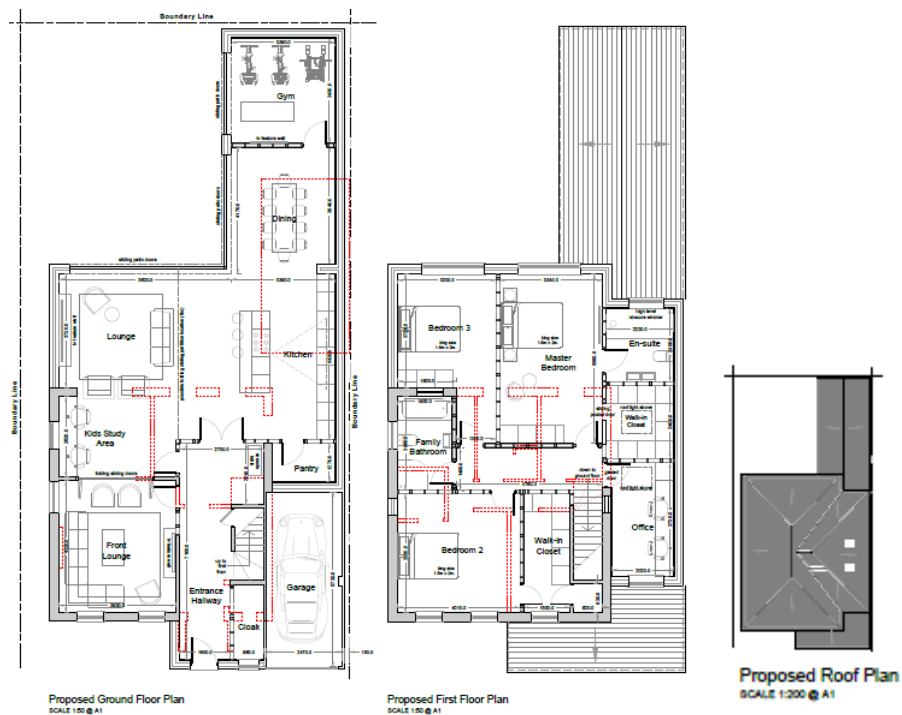
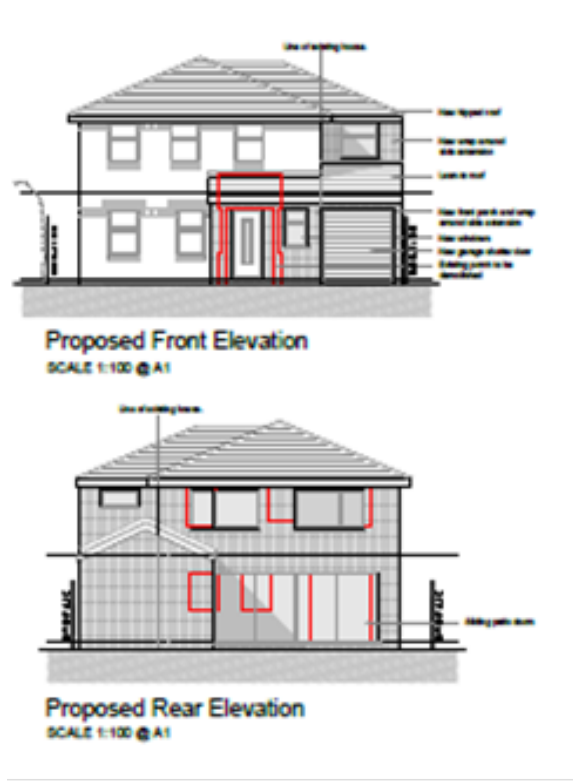
3.2 Proposed Development

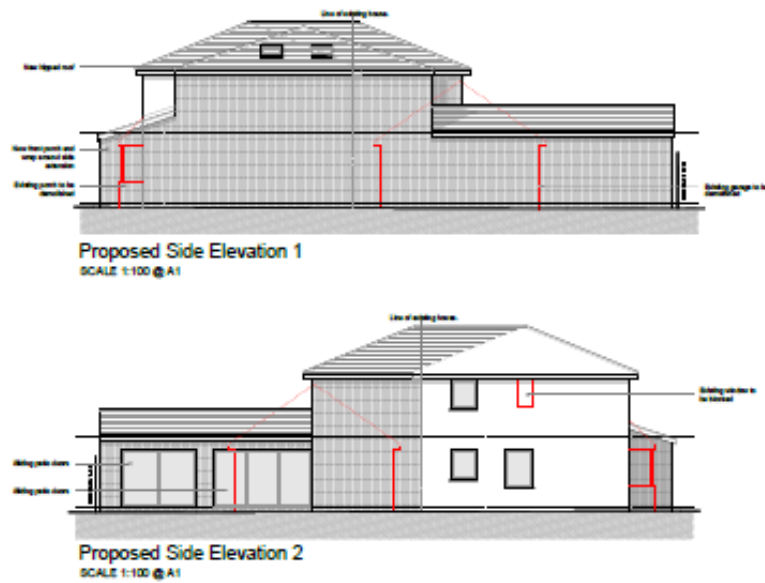
3.2.1 The existing / proposed site, floor plans, elevations, and site photos are shown below:

3.2.2 Existing plans and elevations (below):



3.2.3 Proposed plans and elevations (below):





3.2.4 Site photos, taken 04th October 2021

Photos taken from front (Bargee Close):



Photos taken looking towards app site (from garden of no. 4 Bargee Close):



3.3 Development Plan

- 3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.3.2 The Development Plan comprises of the Core Strategy (2011) and Local Plan Part 2 – Site Allocations and Development Management Policies (2015). In determining the current proposal the following are considered to be the most relevant policies.

Core Strategy (2011)

Policy CS16: Form and Design of New Development

Local Plan Part 2 (2015)

Policy 1: The Urban Boundary

Policy 8: Development & People

Policy 10: Accessibility & Transport

Policy 11: Design

Other material considerations

Residential Design Guide Supplementary Planning Document (SPD):

Policy RES E1: Materials

Policy RES E2: 45 Degree Rule

Policy RES E3: Separation distances

Policy RES E4: Detailing your extension

Policy RES E5: Over Development

Policy RES E7: Rear extensions

Policy RES E9: Two storey side extensions

Policy RES E10: The terracing effect

Policy RES E16: Porches

Policy RES E19: Extensions and parking

BwD Parking Standards

National Planning Policy Framework (NPPF)

3.4 Assessment

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

- Visual Amenity / Design
- Residential Amenity
- Highways / Parking
- Other matters

3.5 Amenity

3.5.1 CS Policy 16 and LP Policy 11 require a good standard of design and an understanding of the site's wider context. The Design SPD, in relation to siting, scale and appearance, reinforces this. In particular, two-storey side extensions are required to appear subservient to the host dwelling and avoid any impacts in the way of terracing. The proposed two-storey side/rear extension is considered to achieve this.

3.5.2 The host dwelling is sited close to the end of a cul de sac, and it is noted that the nearest property to the south (19 Bargee Close) has extended in a very similar way (ref 10/20/0907). The visual impact on the existing street scene is considered acceptable.

3.5.3 The two storey side extension would be subordinate to the original dwelling in accordance with the requirements of the Residential Design Guide SPD, being set back circa 1m from the front elevation at first floor level.

3.5.4 The addition of a replacement (slightly larger) front porch and the continuation of the roof canopy over the garage to the side of the house would serve to further emphasise the set back of the first floor, whilst the width of the side extension would only be circa half the width of the existing house, ensuring it would be subservient to the host dwelling and avoid any impacts in the way of terracing.

3.5.5 Proposed materials would match the existing house (facing brick walls and concrete roof tiles), whilst fenestration details are considered to be proportionate to the dwelling. The two storey and single storey rear extensions would again be in keeping with the existing dwelling in design and appearance. Compliance with CS Policy 16 and LP Policy 11 is therefore achieved.

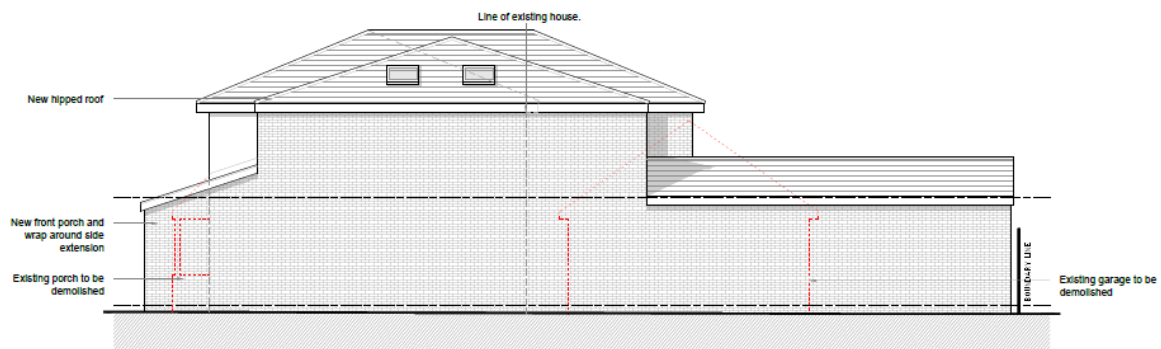
3.6 Residential amenity

3.6.1 LP Policy 8 and the Residential Design SPD require a satisfactory level of amenity for surrounding occupants in terms of light, privacy and overlooking.

3.6.2 The application site is a detached dwelling located toward the end of a cul-de-sac, and the only property that would be materially affected is the property to the (north) side, 4 Bargee Close. The occupiers of this property have objected

for a number of reasons, including concerns about loss of light/sunlight to their house and garden area.

- 3.6.3 The two and single storey side extension would extend to the rear of the existing house (nearest the boundary with 4 Bargee Close) by circa 2.5m, and the two storey rear extension which would be sited directly behind the existing house would increase to circa 3.7m.
- 3.6.4 The existing detached garage to the rear currently crosses the shared boundary with no. 4. This garage would be demolished, and a single storey extension with a ridged roof would be constructed which would project the full length of the rear garden along the side boundary, circa 7.5m in length from the house as would be extended, and circa 3.5m wide, with the ridged roof sloping down towards the boundary.
- 3.6.5 The privacy and outlook of neighbours would be largely unaffected.
- 3.6.6 However, the scale and massing of the extensions, including their cumulative impact, would have some impact on the occupiers of No.4 by way of loss of outlook and light to the main dwelling and garden area/amenity space. This is exacerbated by the orientation of the property, with the extensions likely to cause some overshadowing.
- 3.6.7 Although it is acknowledged that there would be some impact, it is not considered that the impact would be unacceptable or overbearing given the mitigating factors set out below (see image below, showing the side elevation view, from no.4 Bargee Close).



Proposed Side Elevation 1

SCALE 1:100 @ A1

3.6.8 Mitigating factors: Two storey element

- The proposed two storey extension would have a hipped roof, 4m projection from existing rear elevation, reducing to a 3m projection nearest the boundary with no. 4 Bargee Close.
- The facing side elevation of the adjacent detached dwelling (no. 4 Bargee Close) does not have any habitable room windows – only a kitchen door.

- The footprint of no. 4 Bargee Close projects further out to the rear than the application property, which lessens the impact.
- No.4 Bargee Close features a ground floor kitchen door within the side elevation facing the application site, with a window on the rear elevation. The main habitable room window on the rear elevation is set much further away from the boundary.

3.6.9 The two storey side / rear extension would comply with the 45 degree rule.

3.6.10 The impact of the two storey side and rear extension is considered acceptable.

3.6.11 Mitigating factors: Single storey element

- When including the two storey element, the total projection from the existing building line of the house would be 11.8m. If measured from the back of the existing garage (to be demolished), the additional length of the extension would be a further 4.8m.
- The existing garage (to be demolished) straddles the existing boundary, with the footprint on the neighbours land. The garage is taller than the height of the proposed extension, and the gable end abuts the neighbours garden. This existing detached garage would be removed, and the proposed extension would instead sit entirely within the applicant's own land (a Certificate A has been served as part of the application).
- The proposed extension, whilst considerably longer, would be notably lower in height than the existing garage. The roof of the extension would have a central ridge, with the roof sloping down towards the boundary.
- Permitted development rights allow for generous sized outbuildings, and the part of the proposed extension that would have the most impact (where the existing garage sites) would actually have a lesser impact than the existing garage.
- There is a precedent for this type of development; a similar extension (including an 11m single storey rear extension on the boundary) was recently approved only a few doors away, at no. 19 Bargee Close.(ref 10/20/0907)

3.6.12 For the aforementioned reasons, despite its considerable length, the proposed single storey extension to the rear, is again considered acceptable.

3.6.13 Residential amenity: Conclusion

3.6.14 It is acknowledged that the individual and cumulative impact of the two storey and single storey elements of the proposal would have some effect on the residential amenity of the occupiers of no. 4 Bargee Close. However, the application must be determined in accordance with the development plan, whilst also taking other material considerations into account, including the

removal of existing structures (e.g. the existing garage), and what could potentially be constructed under permitted development rights (extensions and outbuildings).

3.6.15 The concerns from neighbours have been noted, and have been addressed earlier in this report (also refer to para 4 of this report). On balance, giving due consideration to all the aforementioned matters, the impact of the proposal on residential amenity is considered acceptable.

3.6.16 The proposal complies with the requirements of LP Policy 8 and the Residential Design SPD.

3.7 Highways / parking

3.7.1 Policy 10 requires highway safety is not compromised, and that there is an adequate level of parking. The BwD Parking Standards require 2 parking spaces for 3 bedroom dwellings.

3.7.2 The number of bedrooms in the property would actually decrease as a result of the proposal; the bedrooms would be increased in size, and ensuite/walk in closet etc. would be added, and a small office room. The on-site parking requirement would not change.

3.7.3 However, the proposal would involve the removal of the existing detached garage to the rear. To compensate for this, there would be a replacement garage within the proposed side extension. Whilst the garage dimensions would be slightly below the desired standards for garages as set out in the Parking Standards (internal measurements would comply with dimensions for a normal in-curtilage parking space, but not a garage parking space), the applicant has managed to achieve a space within the width constraints of the plot.

3.7.4 With the retention of the existing driveway, and given the number of bedrooms would decrease, it is considered that there would be sufficient parking space. Furthermore, there are no parking restrictions along Bargee Close, and on street parking outside the house is possible.

3.7.5 Given these mitigating factors, the proposal is considered acceptable, and highway safety would not be compromised. Compliance with Policy 10 is therefore achieved.

3.8 Neighbour objections

3.8.1 The proposal has prompted a number of objections (and support) from neighbours, which have been fully considered in the assessment of this application (above). Other matters raised in objections include:

- Overdevelopment.

3.8.2 The extensions would not constitute over development. An adequate amount of outside amenity space would be retained, and external access to the rear would be possible down the south of the house.

- Encroachment across the shared boundary.
- 3.8.3 The plans show that the extension would not cross the boundary, and would in fact remove the existing garage which does cross the boundary. If the neighbour disputes this, that would be a civil matter.
- Health and safety - properties being in close vicinity.
- 3.8.4 Building regulations would consider this type of issue.
- Future maintenance and repair to both properties.
- 3.8.5 Again, this is a building regulations and/or a civil matter. The proposal is shown to be sitting within the shared boundary line, and this was queried with the applicant. The proposal was assessed on that basis.
- Access and damage to neighbouring properties.
- 3.8.6 These issues relate to the construction phase and again are not material planning considerations in terms of assessing the planning merits of the proposal.
- Character of property and area.
- 3.8.7 This has been addressed in the main body of this report.
- Privacy / Loss of light / sunlight to garden and living room to rear.
- 3.8.8 This has been addressed in the main body of this report.
- Right to light issue.
- 3.8.9 According to a neighbour objection, the title deeds in the neighbouring property states, at paragraph (b), The Fourth Schedule of H.M Land Registry and Registration Acts 1925-1971:
- “Not to make any altercation of or addition to the Property which will interfere with the access of light and air to the existing windows and openings of the adjoining or neighbouring premises of the Transferor its assigns or tenants”.*
- 3.8.10 This is a civil issue and not a planning consideration.
- 3.8.11 Conclusion of other matters raised
- 3.8.12 Despite the issues raised in the objections received, the proposal is considered to meet policy requirements and is considered acceptable development.

4.0 RECOMMENDATION

4.1 APPROVE subject to the conditions below:

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:
Location Plan: BB325-001, @A4
Proposed plans and elevations: BB325-501-A. @A1

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

2. 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.

3. Notwithstanding the submitted details, the external walling and roofing materials to be used in the construction of the development hereby permitted shall match those used in the existing building.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

5.0 PLANNING HISTORY

- 10/21/0063 – Prior approval for Proposed construction of third storey and roof above existing, max height 9.5m, height to eaves 7.5m - REFUSED
- 10/89/1458. The site is situated within a residential area that was granted approval for the erection of 140No. dwellings in 1989 under planning app ref. 10/89/1458. Permitted development rights were not removed from any of the plots.

6.0 CONSULTATIONS

- 6.1.1 The planning application was received by the Local Planning Authority (LPA) on 16th September 2021. 8 neighbours were notified about the proposed development by letter on 29th September 2021, and 5 letters of objection were received. Subsequently, 6 letters from neighbours were submitted by the applicant in support of the application (no reasons given).

7.0 CONTACT OFFICER: Tom Wiggans, Planner

8.0 DATE PREPARED: 03rd December 2021

9.0 SUMMARY OF REPRESENTATIONS

Objection – Hava Patel, 7 Bargee Close, Blackburn, Rec 29.09.21

Hi

I object to the planning permission requested by 6 bargee close bb11bw

I live at 7 bargee close
Bb11bw and I received a letter

Thanks

Objection – Mr Saleh Dhanchora, 4 Bargee Close, Blackburn, Rec 04.10.21

To whom it may concern,

Reference: 10/21/1060

I, Mr Saleh Dhanchora of 4 Bargee Close, Blackburn, BB1 1BW,

I have received a letter from yourselves (Blackburn Borough Council Planning Department) dated 29th September 2021.

I **strongly** object to this plan to go forth.

It has brought considerable problems and concern to my family and myself.

Please can you therefore contact me as soon as possible to discuss this matter further?

I await your response. Please contact me on my number below or my address above. Alternatively, you can also contact me via email.

Thank you and kind regards,

Saleh Dhanchora

Objection – Fahmieda Yusuf, unknown address, Rec 05.10.21

Good Morning

I have been made aware of the planning permission(double storey side extension and rear extension)

Currently at the back of my house we don't get a lot of sun and the double storey rear extension would block a lot of the sun light and would make the houses in our row look out of character and wouldn't match the surroundings therefore I object to the planning permission.

Thanks

Objection – Sajid Patel, 2 Bargee Close, Blackburn, Rec 07.10.21

Hi

>
> I have recently been made aware of planning permission requested by 6
> Bargee close BB11BW
>
> I have had a look at the proposal and I object to the double storey
> extension at the rear as this will block sunlight coming in to my
> garden and i already have trees on the back of my house which blocks a
> lot of sun
>
> I'm also concerned about privacy in my garden.
>
> Kind Regards
> Sajid Patel
>

Objection – Adam Patel, 9 Bargee Close, Blackburn, Rec 13.10.21

For the attention of Tom Wiggans

I recently received a letter in the post in relation to planning request made by 6 Bargee Close BB11BW

I Live at 9 Bargee close and feel the extension would affect the look of the area and also the amount of sunlight towards my house so I would like to object to the planning permission.

I would like my objection to be kept in confidence as I live across them

Thanks

2nd Objection – Saleh Dhanchora, 4 Bargee Close, Blackburn, Rec 20.10.21

Reference: 10/21/1060

Dear Tom Wiggans and the Planning Committee,

I write to object very strongly to the application of my very next door number 6 Bargee Close.

We believe that the application will completely over shadow our house in most directions. This is because the size and nature of the house and looking at the application.

In my view this is an overdevelopment of the neighbouring property as the property is going to be extended by approximately 50%. This is a very substantial development to the house.

We have lived in this property for many years and we are settled as a family and I am of the opinion that if my neighbour requires such an extensive living space, he should purchase a larger property elsewhere. He should also take into account the effect it would have on his neighbour.

My issues with the planning application are as follows:

1. To make sure that any extension/works stay within his boundary line and that there is no encroachment on to my property as this would be detrimental to my property.
2. There are genuine health and safety concerns of the proposed development. Mr Mulla is proposing a substantial increase in his property size, which would result in our properties

being in very close vicinity. Therefore, if any incident were to occur at his property such as a fire, then it would be very likely to affect my property as well.

3. I also have concerns regarding future maintenance and repair to both properties. At present, I have issues with erecting scaffolding and so forth to do pointing to either gable wall. If he builds as close as he plans, maintenance and repair will become impossible in terms of the limited access to the roofs or gable walls of either property.
4. As the works progress, access to my land will be needed raising an issue about the impact on my safety and also privacy in the confines of my own home. Furthermore, there is a cause for concern about long-lasting damage to my property, including the foundations during the building of Mr Mulla's new extension.
5. The impact on my Right to light issue. My garden is not south-facing and any sunlight comes from Mr Mulla's property, therefore any extension will significantly affect the light reaching my garden and living room which is a cause for concern and is as my per my title deeds paragraph (b), The Fourth Schedule of H.M Land Registry and Registration Acts 1925-1971 states ***"Not to make any altercation of or addition to the Property which will interfere with the access of light and air to the existing windows and openings of the adjoining or neighbouring premises of the Transferor its assigns or tenants"***

We have lived in our property for many years and we believe very strongly that the character of our property will not be the same if Mr Mulla's proposal goes ahead.

I would like to conclude with the following statement. I am not opposing the rights of Mr Mulla to develop his own property but I am rather concerned about the scale of the development which is quite substantial that will have a major impact on my property.

Yours sincerely,
Saleh Dhanchora

Support – Mr Patel, 19 Bargee Close, Blackburn, Rec 26.11.21

Hi Tom Wiggans / Planning

This letter is to confirm that I have no objections to my neighbour Irfan Mulla at No 6 Bargee Close Blackburn, Lancashire, BB1 1BW building an extension Ref No 10/21/1060 to his property and I fully support his application to do so.

Print Name -



Support – Abdul Samad Patel, 17 Bargee Close, Blackburn, Rec 26.11.21

Hi Tom Wiggans / Planning

This letter is to confirm that I have no objections to my neighbour Irfan Mulla at No 6 Bargee Close Blackburn, Lancashire, BB1 1BW building an extension Ref No 10/21/1060 to his property and I fully support his application to do so.

Print Name - *ABDUSAMAD M. PATEL*

Support – Ahmed Patel, 15 Bargee Close, Blackburn, Rec 26.11.21

Hi Tom Wiggans / Planning

This letter is to confirm that I have no objections to my neighbour Irfan Mulla at No 6 Bargee Close Blackburn, Lancashire, BB1 1BW building an extension Ref No 10/21/1060 to his property and I fully support his application to do so.

Print Name - *AHMED PATEL*

Support – Ahmed Bhamjee, 11 Bargee Close, Blackburn, Rec 26.11.21

Hi Tom Wiggans / Planning

This letter is to confirm that I have no objections to my neighbour Irfan Mulla at No 6 Bargee Close Blackburn, Lancashire, BB1 1BW building an extension Ref No 10/21/1060 to his property and I fully support his application to do so.

Print Name - *Ahmed Bhamjee*

Support – Moosa Mapara, 9 Bargee Close, Blackburn, Rec 26.11.21

Hi Tom Wiggans / Planning

This letter is to confirm that I have no objections to my neighbour Irfan Mulla at No 6 Bargee Close Blackburn, Lancashire, BB1 1BW building an extension Ref No 10/21/1060 to his property and I fully support his application to do so.

Print Name - *MOOSA MAPARA*

Address - *9 BARGEES CLOSE BB1 1BW*

Support – Mohammed Ali Patel, 7 Bargee Close, Blackburn, Rec 26.11.21

Hi Tom Wiggans / Planning

This letter is to confirm that I have no objections to my neighbour Irfan Mulla at No 6 Bargee Close Blackburn, Lancashire, BB1 1BW building an extension Ref No 10/21/1060 to his property and I fully support his application to do so.

Print Name - *MOHAMMED ALI PATEL*

Address - *7, Bargee Close*