

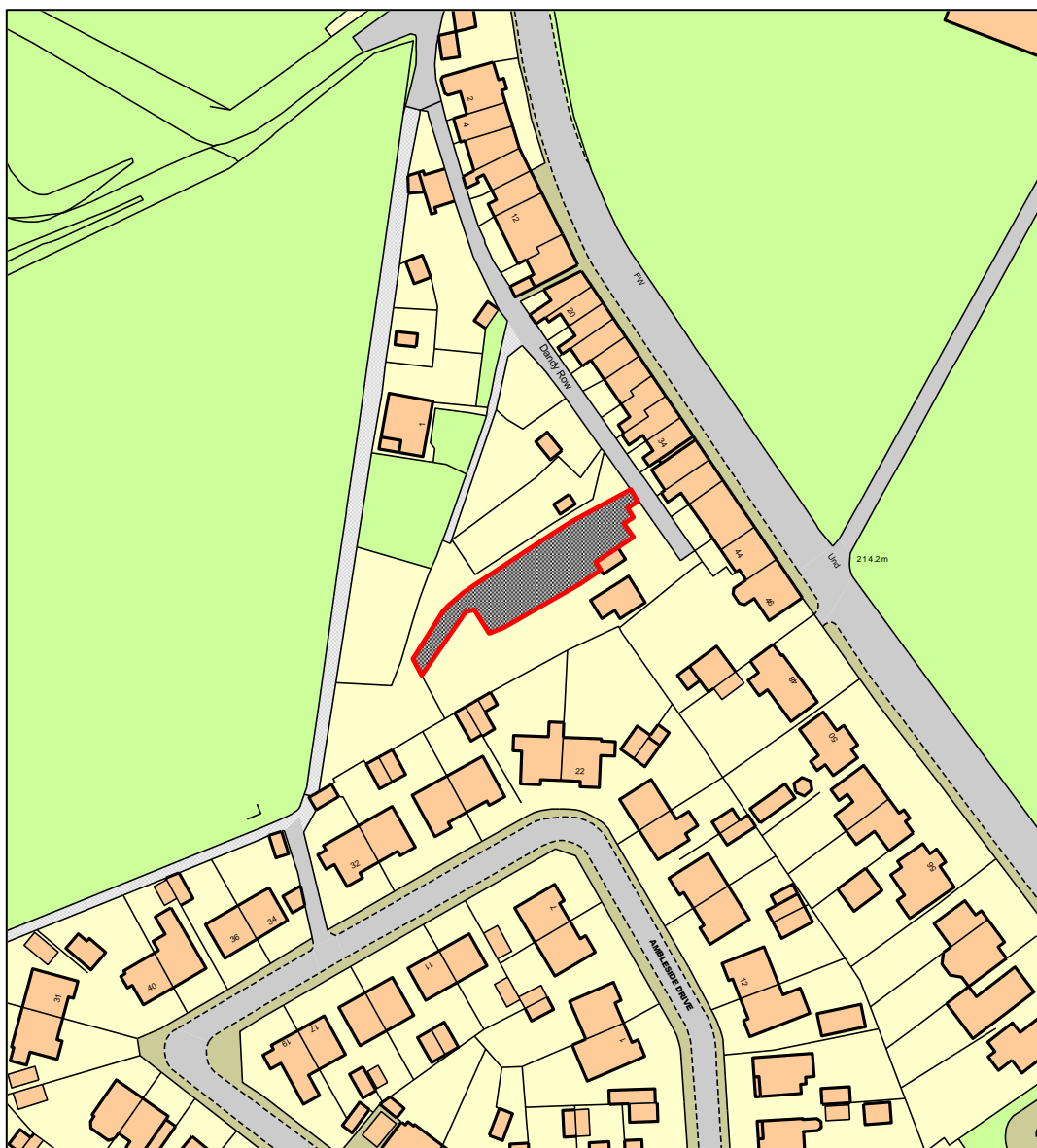
Proposed development: Conversion of existing detached garage to dwelling house, with associated works

Site address: Detached Garage to rear of Dandy Row, Dandy Row, Darwen

Applicant: Mr Mick Graham

Ward: Darwen East

**Councillor Katrina Fielding
Councillor Jane Oates
Councillor Paul Nathaniel Browne**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be granted planning permission, subject to the conditions detailed in Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's scheme of delegation through the Chair Referral process, and given the number of public objections received. The objections raised principally concern the access and parking arrangements of the site. Concerns in the way of land ownership, residential amenity impacts and potential obstructions to a footpath have also been raised in the representations made.
- 2.2 The proposed development has been publicised through letters to residents of the nearest 12 adjacent properties, initially on 05th July 2021. A site notice was also posted by the previous case officer. In addition, further notifications have taken place with neighbours upon the receipt of amended/updated information.
- 2.3 The Council's development plan supports new residential development and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 The proposals would deliver a one-bedroom dwelling within a sustainable location for new housing development. Vehicle access would be gained from Dandy Row, via Roman Road, to the north of the site. The proposed dwelling would be afforded its own private garden space with parking for two vehicles to the front of the building shown on the submitted plans.
- 2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.6 The key issues to be addressed in determining this application are;
- Assessing any procedural matters raised;
 - Establishing the principle of development;
 - Ensuring any necessary external alterations to the building are visually appropriate;
 - Safeguarded the residential amenities of the immediate neighbours;
 - Ensuring adverse impacts on the local highway network are avoided;
 - Ensuring adequate parking provision is made;
 - Assessing the potential for terrestrial contamination, and;
 - Minimising the impacts of the development on air quality.

3.0 RATIONALE

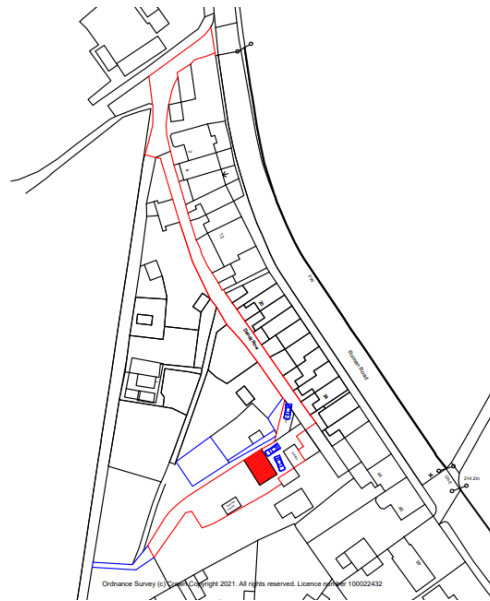
3.1 Site and Surroundings

- 3.1.1 The application site is a freestanding double garage, garden areas and access road located to the east of the settlement boundary of Darwen. Discounting the access road, the site covers circa an area of circa 0.13 acres. The garage building and summerhouse currently occupy the site with the remainder used for parking and as private garden space.
- 3.1.2 Open garden land and outbuildings surround to three sides with terraced dwellings on Dandy Row positioned to the east. The garage has a footprint of circa 51 square meters and a dual-pitched roof up to 4.2m in height. Natural stone quoins, bricks, render and slates have been used to externally finish the building and it is currently fitted with brown metal roller shutter doors to the front and rear.

Figure One – Satellite image of the site



Figure Two – Location Plan showing the extent of the site and access point



3.2 Proposed Development

- 3.2.1 As detailed above, this planning application involves the conversion of a freestanding double garage to a one-bedroom dwelling with a lounge, kitchen and bathroom areas. Access would be maintained from Dandy Row by an existing access point. A parking and manouvering area would be formed to the front of the dwelling for two vehicles. The rear garden area and summerhouse would be retained and used in conjunction with the proposed dwelling.

Figure Three – Proposed Site Plan and Floor Plan



- 3.2.2 In order to facilitate the conversion, the roller shutter doors would be removed to the front and rear elevations and replaced with a more domesticated fenestration. A door and two windows would be installed to the front (northeast) with a window and set of bi-fold doors installed to the rear (southeast). A door and window would be removed from the side (southeast) with the openings bricked over to form a blank elevation. In addition, a pair of rooflights would be removed from the front roofslope and installed to the rear.

Figure Four – Existing and Proposed Elevation Plans



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Core Strategy Part 1 (2011):

- Policy CS5: Locations for New Housing
- Policy CS7: Types of Housing

3.4.2 Local Plan Part 2 (2015):

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People

- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 18: Housing Mix
- Policy 36: Climate Change

3.4.3 Residential Design Guide Supplementary Planning Document (SPD) (2012)

3.4.4 Blackburn with Darwen Parking Standards (2014)

3.4.5 The National Planning Policy Framework (2021)

- Section 9: Promoting sustainable travel

4.0 ASSESSMENT

4.1 Procedural Matters

4.1.1 Concerns have been raised in public comments given potential discrepancies with land ownership. During the course of the application an amended Location Plan (Figure Two) has been submitted showing the application site boundary covering access arrangements from Roman Road together with visibility splays around the proposed driveway. The Applicant acknowledges that they do not own all of the land within the application site boundary. Some is also unregistered with HM Land Registry.

4.1.2 However, such matters are not material grounds to resist planning applications where the correct notification procedures have been followed. The Agent has confirmed that a Certificate D Notice was posted in a local newspaper (Lancashire Telegraph) in August 2021. Such measures are sufficient to demonstrate compliance with nationally prescribed procedures and the proposals are thus acceptable with reference to land ownership and the service of ownership certificates.

4.1.3 Further concerns have been raised in public comments alleging that the site may be used as a holiday let. However, the description provided does not align with those assertions and the submitted information only makes reference to use of the building as a private dwelling. Finally, concerns have been raised given the implementation of various unauthorised works. Whilst that may be the case, this application ultimately seeks to regularise those works alongside converting the garage to a dwelling.

4.2 Principle of Development

4.2.1 Within the development plan, there are general requirements to ensure new housing development is proposed in sustainable locations, and in accordance with market conditions. Policy 1 identifies the preferred location for all new development to be within the defined urban areas of Blackburn and Darwen.

With specific reference to housing, those requirements are reinforced by Policy CS5 and the site benefits from such a location.

- 4.2.2 Moreover, services, facilities and regular public transport links are all within walking distance and the site is in a sustainable location for new housing development, thereby complying with the relevant requirements of the aforementioned housing distribution policies.
- 4.2.3 Both Policies CS7 and 18 prioritise family housing over all other forms of housing. The proposed one-bedroom unit would not fall within that category. However, the limited size of the existing building directly prevents the provision of family housing. Therefore, the proposals are acceptable when the physical characteristics of the site are taken into account and the principle of residential development is established.
- 4.2.4 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters.

4.3 Design and Visual Amenity

- 4.3.1 The site is positioned within an urban area that has a relatively varied streetscene. In general terms, Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context, and making a positive contribution to visual amenity.
- 4.3.2 With regards to residential developments, those requirements are reiterated by the guidance contained within the Design SPD. The style and form of architecture must be influenced by the surroundings with designs complementing existing features in the locality.
- 4.3.3 The existing building is contained within a cluster of outbuildings that differ in their size and appearance. Any works proposed to convert the garage would be contained within its existing fabric and they would not be harmful to architectural character of the building. Moreover, they would not appear unacceptably out of place when the varied streetscene of the site is taken into account. A condition is recommended to control the quality and finish of any external construction materials to be used.
- 4.3.4 A further condition is recommended to prevent the construction of further outbuildings within the garden area in order to preserve the open nature of the wider site. Subject to compliance with those conditions, the proposed development would be acceptable in relation to design and visual amenity, in accordance with Policy 11 and the guidance of the Design SPD.

4.4 Residential Amenity

- 4.4.1 As detailed above, dwellings are positioned immediately to the east and safeguarding the amenities of those residential neighbours is an important planning consideration. Policy 8 states that all development proposals must secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself.
- 4.4.2 Impacts in the way of noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the relationship between buildings should also be considered. In addition, the Design SPD details a number of standards and minimum separation distances to prevent any adverse impacts in that respect. Concerns have been raised in public comments on residential amenity grounds.
- 4.4.3 No increases in the massing of the building are proposed to facilitate the conversion. Public comments have stated that the garage has been erected taller than the building approved in 2003 and an approval here would ultimately regularise such works. However, the approved plans for application 10/03/0117 detail a 4.2m high garage, which is also detailed on the plans submitted for this application. The proposals would thus not appear overbearing to neighbours.
- 4.4.4 In relation to overlooking, windows are proposed to two elevations. Any rear facing windows would face away from adjacent dwellings. An existing garage would prevent the proposed kitchen window overlooking the adjacent dwellings on Dandy Row. A bathroom window is proposed within 21m of those dwellings. Therefore, a condition is recommended to ensure that window is obscurely glazed in order to minimise overlooking for neighbours.
- 4.4.5 Further concerns have been raised in public comments alleging that CCTV has been installed without the relevant permissions. However, owing to ample separation, the presence of such installations is not unacceptably invasive to the living environments of the immediate neighbours. Moreover, CCTV systems can be installed on any buildings under the provisions of permitted development, subject to certain criteria being met.
- 4.4.6 BwD Public Protection have reviewed the merits of the proposals and no objections have been raised. A condition has been advised to control construction working hours, which is recommended to be added in order to minimise disruptions for neighbours during that phase. Subject to compliance with the attached conditions, the proposed development would not be harmful to the amenities of the immediate neighbours, in accordance with the relevant requirements of Policy 8 and the guidance of the Design SPD.

4.5 Parking and Highways

- 4.5.1 The site is currently accessed via a single-track road and those arrangements would remain unaltered. An overarching requirement for all development proposals to not prejudice road safety or the safe, efficient and convenient movement of all highway users is contained within Policy 10.

- 4.5.2 Parking should also be provided in accordance with the BwD Parking Standards and one-bedroom dwellings must have at least one off-street parking space. Concerns have been raised in public comments on highways and parking grounds. In addition, an objection has been raised by BwD Highways given the constrained nature of the proposed access arrangements.
- 4.5.3 It is acknowledged that the proposed access arrangements are less than ideal for a new dwelling. Visibility at the junction with Roman Road is also suboptimum. That said, the site's lawful use as a double garage and associated parking area must be taken into account in establishing any highways impacts.
- 4.5.4 Paragraph 111 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety and such a position is difficult to demonstrate when the site's lawful use is taken into account. Given that the Framework is a nationally adopted planning policy document, its requirements are a material consideration for all planning applications.
- 4.5.5 That position was appraised as part of application 10/19/1099 and a balanced approach was applied in approving that application. It should also be noted that a number of residents already park to the rear of Dandy Row and the level of traffic movements associated with these proposals would not have a demonstrable impact on the overall safety or capacity of the surrounding highway network.

Figure Five – Existing parking area to rear of Dandy Row



- 4.5.6 Specific concerns have been raised in public comments given the potential for the development to further degrade the surface of Dandy Row, which is an unadopted highway. However, such activity is very difficult to quantify and attribute to specific users of the road. Moreover, the upkeep of unadopted roads is controlled by non-planning legislation and such concerns cannot be lawfully used to resist planning applications.
- 4.5.7 The submitted plans show an adequate level of off-street parking to the front of the building. A condition is recommended to ensure parking is provided in

accordance with that plan in the interests of minimising obstructions along Dandy Row. Manoeuvring arrangements within the site would be relatively constrained yet the slow-moving nature of Dandy Row would remove the potential for unacceptable highway safety implications to arise through vehicles reversing out.

4.5.8 Wider concerns have been raised in public comments regarding the presence of a footpath that runs along the north boundary. That route appeared to be in tact at the time of the site visit. Moreover, the route is not allocated as a formal public right of way based on current records and there are no material grounds to ensure it remains unobstructed through redevelopment of the site.

4.5.9 When those factors are considered collectively, and on balance, the proposed development would be acceptable in relation to highways and parking, in accordance with Policy 10 and the BwD Parking Standards.

4.6 Drainage Systems

4.6.1 Policy 9 contains general requirements regarding flood mitigation and the provision of adequate drainage systems. BwD Drainage have reviewed the proposals and no objections have been raised, subject to the imposition of an appropriate condition to control surface water drainage systems, which is recommended to be added.

4.6.2 A further condition is recommended to ensure foul and surface waters are drained on separate systems, in accordance with the requirements of national planning practice guidance. Subject to compliance with those conditions, the proposed development would be acceptable in relation to flooding and drainage, in accordance with Policy 9.

4.7 Contamination

4.7.1 With reference to potentially contaminated land, further requirements within Policy 8 state that all development proposals should secure effective remediation. This is to ensure a safe environment can be provided for any future occupants and residential uses are afforded an elevated level of protection when compared to other less sensitive uses.

4.7.2 In response to those requirements, BwD Public Protection have advised that the three standard contamination conditions should be added to any approvals issued, which are recommended. Subject to such matters being satisfactory addressed through conditions, the proposed development would be acceptable in relation to contamination, in accordance with Policy 8.

4.8 Climate Change and Air Quality

4.8.1 Policy 36 requires all development proposals to demonstrate how they have been designed to minimise contributions to carbon emissions and climate change.

4.8.2 In response to those requirements, a condition has been advised by BwD Public Protection to ensure air quality mitigation measures are applied in the form of installing an electric vehicle charge point and efficient gas boiler, which is recommended to be added.

4.8.3 Subject to compliance with that condition, the proposed development would be acceptable in relation to climate change and air quality, in accordance with Policy 36.

4.9 Summary

4.9.1 This application involves the conversion of a freestanding double garage to a one-bedroom dwelling. The implementation of various associated works is also proposed including external alterations to the building and the formation of a two car parking area.

4.9.2 Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed in Section 3.4.

4.9.3 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in principle and in terms of design and visual amenity, residential amenity, highways and parking, drainage systems, contamination, and climate change and air quality.

4.9.4 The proposed development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

5.0 **RECOMMENDATION:**

5.1 **Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions and informative notes;**

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 consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (1:1250) (amendment submitted 14th October 2021), Proposed Site Plan (1:200), Existing Elevations Plans (1:50), Proposed Elevations Plans (1:50), Existing Layout Plan (1:50) and Proposed Layout Plan (1:50).

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

3. Prior to the commencement of any above ground works on site, details confirming the exact type of all the external materials to be used in the construction of the development hereby approved, complete with details confirming the exact type of doors and windows to be installed, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved materials and details, unless otherwise agreed in writing.

REASON: In order to ensure a satisfactory form of development is achieved, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

4. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), and following the issuing of this decision, no development as specified in Class E of Part 1 of Schedule 2 of that Order, shall be carried out on any part of the site, without express planning permission first being obtained from the Local Planning Authority.

REASON: In order to prevent further outbuildings being erected within the site, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5. The development hereby approved shall not be brought into use unless and until, the window serving the 'Bathroom' on the approved plan 'Proposed Layout Plan (1:50)' has been fitted with obscured glazing with a level of obscurity of Level 3 or above, unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree of obscurity and the effects of obscure glazing must not be negated by way of opening.

REASON: In order to protect the privacy of the occupiers of adjacent property, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

6. All construction/demolition works to be undertaken as part of the development hereby approved shall only take place between the hours of 8:00 – 18:00, Mondays – Fridays, and 9:00 – 13:00 on Saturdays. In addition, no such works shall be undertaken whatsoever on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise noise disruptions from construction/demolition works, in the interests of residential amenity, and to comply with the requirements of Policy 8 of

the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

7. The dwelling hereby approved shall not be occupied unless and until, the parking and manouvering areas as defined on the approved plan 'Proposed Site Plan (1:200)' have been constructed and completed in their entirety. The parking and manouvering areas provided shall thereafter remain in perpetuity with the development and be permanently available for the parking of vehicles associated with the occupants of the dwelling.

REASON: In order to ensure vehicle parking is provided in support of the development, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

8. Prior to its installation, technical details confirming the exact type of surface water system to be installed as part of the development hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details and the dwelling shall not be occupied until they have been provided in their entirety.

REASON: To promote sustainable development, to manage the risk of flooding and pollution, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

9. Foul and surface water shall be drained on separate systems.

REASON: To promote sustainable development, to manage the risk of flooding and pollution, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

10. No development shall commence on site unless and until, a Contamination Method Statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination, which may be present on site, has first been submitted to and approved in writing by the Local Planning Authority. The submitted Statement shall detail the following;

- a) An investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority, and;
- b) A comprehensive remediation scheme including an implementation timetable, details of future monitoring and a verification methodology (which shall include

a sampling and analysis programme to confirm the adequacy of land decontamination).

All the agreed remediation measures shall thereafter be carried out in strict accordance with the approved implementation timetable under the supervision of a geotechnical professional and they shall be completed fully in accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

11. Prior to first use of the development hereby approved, two copies of a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and any necessary supplementary information. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

12. Should contamination be encountered unexpectedly during redevelopment of the site, all works should cease, and the Local Planning Authority should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

13. The dwelling hereby approved shall not be occupied unless and until, the following air quality mitigation measures have been provided in their entirety, unless otherwise agreed in writing by the Local Planning Authority;

- a) There shall be one electric vehicle charging point at each house with a garage or other off-road parking. An appropriate charging point will have a Type 2 connector and a minimum rating of 3.7kW 16A. External points will

- be weatherproof and have an internal switch to disconnect electrical power, and;
- b) Gas fired domestic heating boilers shall not emit more than 40mg NOx/kWh

REASON: In order to minimise carbon emissions from the development, in the interests of addressing climate change, and to comply with the requirements of Policy 36 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

6.0 PLANNING HISTORY

- 6.1 10/03/0117 – Erection of detached double garage and formation of access – Approved, with conditions – June 2003.
- 6.2 10/19/1099 (1 Dandy Row) – Erection of timber dwelling – Approved with conditions – January 2020.

7.0 CONSULTATIONS

- 7.1 BwD Highways – In summary, we offer objections to the application, as the proposal would be detrimental to highway safety and contrary to Policy 10 of the Local Plan.

(Parking) In accordance with adopted parking standards, the converted property would require 1 car parking space to support the 1bed dwelling. Adequate provision has been provided within the curtilage to support the 1bed accommodation.

(Access) Vehicle access is to be taken from an unadopted single narrow track. No details of sightlines have been provided, when exiting out onto Roman Road. In our opinion, the sightlines are hindered by gradients which are not level to the road, absence of a footway along Roman Road and boundary wall to property at the junction. We are concerned that the occupant of the new dwelling house would not be able to safely exit the track onto the highway.

- 7.2 BwD Public Protection – No objections. Should this application be approved, conditions should be imposed to control the risks associated with ground contamination and construction working hours. A further condition should also be imposed to ensure specific air quality mitigation measures are provided in support of the development.
- 7.3 BwD Drainage – No objections. A condition should be imposed on any permissions issued to control the design of the proposed soakaway.
- 7.4 BwD Housing Growth – No objections, subject to proposals meeting building regulations and planning policies.
- 7.5 BwD Cleansing – No objections.
- 7.6 Darwen Town Council

7.7 Ward Cllrs

7.8 Summary of Public Responses

- The Applicant does not own all of the land within the application site;
- The building may be used as a holiday let;
- Unauthorised works have been undertaken previously;
- The garage has been built higher than the approved building;
- Losses of privacy may be caused;
- CCTV has been installed at the site;
- Disruptions may be caused during the construction phase;
- The access and manouvering arrangements are inadequate;
- Further degradation of the surface of Dandy Row may occur;
- Vehicle parking is constrained locally;
- Obstructions to public footpaths may be caused.

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 4th March 2022

10.0 SUMMARY OF REPRESENTATIONS

Objection – Helen Knott, 34 Dandy Row, Darwen, Received 07.07.21

To whom it concerns

I will never allow Michael Graham no access on the lane as these plans show him having access past my house. Also Mr Graham whilst owing the garage was illegally tapping into the mains for electricity as he never had a meter and was charging all his all his tools. I rang north west electricity which was recorded and they disconnected his electricity done by fraud and also the consumer unit and leads connected to my house. As soon as I messaged Mick Graham who do u pay for electricity since he has lights and a camera system. His reply was I will turn everything off by 11pm. I have reported this to action fraud and north west electricity confirmed in an email he was using my electricity so that's fraud. No neighbours want him to have access as they know he tapped into the main cable underground illegally. If this goes ahead I will get a solicitor involved as he still hasn't repaid electricity that was connected to my house for 5 years. Nobody pays £80 a week for electricity unless someone interferes and my house used to own the garage hence the connection underground. Nobody has been sent a letter further down where the access is. The plans are incorrect also and all my neighbours are concerned. If u want the case number from action fraud or north west electricity I will send it but maybe ask Mr Graham how he has been paying electricity for 5 years and it's not through my neighbour. If u go ahead all the neighbours are aware of his scam and they aren't happy and won't give access. Regards Helen Knott 34 Dandy Row. BB3 3BL

Objection – Craig Walkden, 36 Dandy Row, Darwen, Received 07.07.21

Hi Clare

we live at number 36 Dandy Row and this property is directly behind our home, whilst we don't really object to this application, we must stress some concerns regarding access to this property, this access is on a unadopted road given this is yet another application for a residential dwelling (there will likely be more in the not to distant future) this access road is getting more and more traffic coming through and the condition of road has/is deteriorating significantly, with all the extra council tax payments as well as will existing payments received can the council now adopted this access road and make it suitable for the extra everyday use.

we look forward to your reply.

KIND REGARDS

CRAIG WALKDEN.

Further Comments - Craig Walkden, 36 Dandy Row, Darwen, Received 13.07.21

a couple of further questions regarding this application,
is there sufficient room for access for emergency vehicles ?

what are the prospects of a further application being put in a later date to extend the existing dwelling, would this application be granted easier given the fact it would already be a dwelling ?

Objection – Mrs Pickering, Unknown address, Received 25.07.21

Dear Mr Prescott,

I write regarding the planning application as above. I have objections regarding noise when the work is carried out.

I have objections regarding access and impact on a very small back road(back of Dandy Row) which is unadopted as far as I'm aware so if heavy vehicles caused damage who would put this right ?

The plans lack details and have contradictions. The proprietor has already dug trenches way beyond his land as if the plans have been approved which is very concerning.

I have the adjacent land;he appears to already flout planning as the pictures attached show - our sheds are side by side.When I moved in they were the same height and the neighbouring was wooden. It is now brick and has been extended in length/ width and height.

Has anyone checked if the applicant even owns the land ? Neighbours cannot seem to find ownership in the applicant's name .

Kind regards

Mrs Pickering



Objection – Jim Sullivan, 32 Dandy Row, Darwen, Received 25.07.21

Good morning, I have several concerns about the Conversion, initially this garage was built by a Mr Geoff Claypole who did live in Number 34 Dany Row, He did try to get a planning permission for a conversion on several occasions but was refused, one being the increase traffic flow, he was told to erect self closing gates as the drive went over a Public footpath they have since been removed, he didn't install a radon barrier so in that respect it makes Mr Grahams proposal a little difficult, my other concerns are Mr Graham brings long wheel base vans trailers with diggers on up the lane which impacts on my property on several occasions he has been very close to taking my rear garden wall down, he has also dug an access road from the bridle way at the square meadow to his property through I believe private/council land. We do have several children who play in the lane and everyone is aware and they drive very slowly. If you have already visited the site you will see he has installed a multi-burner stove. The impact of this conversion to the local neighbours will be a major disruption, he will be digging up the lane to access electricity and drains also he will be digging up the bridle way to access water and as he is not a resident of Dandy Row does he have access to use the lane ? Mr Graham seems to ride roughshod over rules and regulations and peoples thoughts to carry out what he wants ! we are a very close neighbourhood who look after each other we have several elderly folk on the row who like to enjoy sitting in the lane and chatting I feel this conversion will impact on the quality of the neighbourhoods daily life

Many Thanks

Jim Sullivan

32 Dandy Row

p.s I have been lead to believe that he plans to let his son live there, who is a bit of a party animal this will bring further grief to Dandy Row, Windemere Drive and Ambleside Drive as you can imagine the amount taxis and vehicles using the lane

Further Objection – Helen Knott, 34 Dandy Row, Darwen, Received 24.07.21

Hi

I am Helen a single parent on dandy row I have previously emailed about fraud about mick Graham and have emails to prove this by electricity north west and Eon. So sorry but my second email is that the lane is narrow which we maintain ourselves so more drivers will ruin it. My daughter now plays out on the lane as she is too young to go to the field and more cars up the lane I will then be on pins. Also I worry if a fire breaks out in the back as there is no parking upfront due to cars. The noise of building will cause a disruption and the lane getting messed up. I have privacy issues as mick Graham has a camera overlooking my bedroom and next doors without permission. He has built an outbuilding higher than when it was a wood shed. He has put a log burner and tv meaning a different use of the building. The noise and strangers of if he lets the property out and will he mend the lane. Disruption of getting water and the sewage below his building also electricity since i hope he doesn't tap in again illegally. My main objective is there is a footpath that comes at the side of his land. Once the previous owner had to put gates up and mick Graham hasn't done this for five years. He has to drive over a public footpath to his land. He hasn't had permission all this time. He has told my neighbour he will say it's a holiday let, then say it makes no money to go back to a

commercial and say he can't sell it then he will get planning as he said he knows several on the council and then get planning for it to be a house.

If he has access to people on the council I will make sure they are prosecuted. I am emailing Mathew Jackson as he is a decent councillor. For now please look on the lane as he crosses a public footpath to go into his land and only dandy row have access to the lane if u live here. I trust the right councillors will oppose another builder thinking he can buy the council but I have a great opinion since his access is in front of my wall not after so he's drawing is incorrect too.

Please stop this going ahead as it's a small lane and he hasn't put gates up, security overlooks my bedroom when he gets electricity. He has also built another sun house against a neighbours fence she is so upset.ps why would u won't a holiday let in Darwen when he lives in Darwen? Only to build a house. Please think about the retired neighbours and my daughters safety on the lane without cars at the minute. One last thing the entrance is past so many more houses so why didn't they get a letter.

Kind Regards

Helen Knott

34 Dandy Row

Objection – Brian & Eileen Cowen, 44 Dandy Row, Darwen Received 24.07.21

Dear Gavin Prescott

We object to the above plan which we believe inappropriate for the reasons given below.

❖ **The plan edged in red.** We believe that the area edged in red is possibly not owned by the applicant nor that he has control over the whole area.

➤ The land to the south-west of the existing garage has been used recently as an allotment by the applicant but we have not received any notification that this vacant land has been claimed. Should ownership be disputed, any development of the site could be halted or reversed with disruption and a possible eyesore being left.

➤ The strip of land immediately behind number 36 Dandy Row has been used by the occupants of number 36 since the previous owner developed it as a seating/garden area in the early years of this century. Thus, there is no access to the site directly from the track behind 36 Dandy Row, as the plan implies.

❖ **Access to the proposed dwelling.**

➤ Access to the site would be from behind 34 Dandy Row and would cross the pathway which links Roman Road and Holden Fold/Ambleside Drive. This footpath is an ancient right of way linking two highways, is marked as a footpath on 19th century Ordnance Survey maps and is in regular use to this day, despite its narrowing by fences erected by previous owners of the garage site. Its status was acknowledged by Blackburn Borough Council when an enforcement order was executed by the Council, with police in attendance, to remove the obstructions placed on it by the builder of the garage.

➤ Access to the garages/ parking spaces behind Dandy Row already causes considerable wear on the unmade track behind the houses. Additional housing with an anticipated 2-car parking provision would cause further erosion. Residents of the proposed house would not have frontage on Roman Road and so would have to

drive up the track each time they left or returned to the house. The alternative would be to park on Roman Road where there is already a parking problem.

➤ Access from the rear of the proposed house. Access to the rear by vehicle would not be possible because of the narrowness of the unmade track running along the east side of Square Meadow, a public footpath/bridleway. It would also pass very close to the new dwelling at number 1 Dandy Row. Access from Ambleside Drive is impassable to vehicles because of the pinch-point at the SE corner of Square Meadow.

❖ **The height of the existing and proposed building.** The garage was erected higher than planned because the builder built up the land before starting work. Any house built on the same foundations would overlook the bedrooms of numbers 36 to 30 and possibly further along Dandy Row.

❖ **The old wooden garage which should have been demolished.** The proposed site also includes a smaller garage which should have been demolished once the new garage had been completed to prevent the space being used for access and egress. A wall should have replaced it to prevent the users of the garage from adding to the wear and tear on the trackway behind numbers 38-44. This may have been overlooked by the Council because soon after the completion of the building work, the builder/owner, living at number 34 Dandy Row, went bankrupt and then spent time in prison for an unrelated offence. The subsequent sale of the garage may have confused matters at the time. The old wooden garage has been gradually replaced by brick walls and tiled roof and has been extended more than a metre forward into the common turning space. The roof has also been raised.



View of garage from number 44 - 2 June 2008



View of garage from number 44 - 24 July 2021

Yours sincerely Brian and Eileen Cowen

Further email Objection – Brian & Eileen Cowen, 44 Dandy Row, Darwen Received 30.08.21

The Planning Manager

Blackburn Borough Council

Dear Gavin Prescott

We object to the above application which we believe inappropriate for the reasons given below.

❖ **The plan edged in red**

We believe that the area edged in red is not owned by the applicant nor that he has control over the whole area it encloses.

- The land immediately behind the proposed dwelling was fenced and only recently used as an allotment by the applicant but we have not received any notification that this vacant land has been claimed. Should ownership be disputed, any development of the site could be halted or reversed with disruption and a possible eyesore being left.
- The strip of land immediately behind number 36 Dandy Row has been used by the occupants of number 36 since the previous owner developed it as a seating/garden area in the early years of this century. Thus, there is no access to the site directly from the track behind 36 Dandy Row, as the plan shows. Access is from behind number 34 and across the ancient pathway linking Roman Road with Holden Fold.

- The site area is given as 513 square metres. This must include land which does not belong to the applicant nor is under his control.

❖ **Access to the proposed dwelling and previous planning decisions**

- Access to the proposed dwelling would need to be from behind 34 Dandy Row and would cross the pathway which links Roman Road and Holden Fold/Ambleside Drive. This footpath is an ancient right of way linking two highways, is marked as a footpath on 19th century Ordnance Survey maps and is in regular use to this day, despite its narrowing by fences erected by previous owners of the garage site. Its status was acknowledged by Blackburn Borough Council when an enforcement order was executed by the Council, with police in attendance, to remove the obstructions placed by the builder of the garage.
- Access to the garages/ parking spaces behind Dandy Row already causes considerable wear on the unmade track behind the houses. Additional housing with an anticipated 2-car parking provision would cause further erosion. Residents of the proposed dwelling would not have frontage on Roman Road and so would have to drive up the track each time they left or returned to the house. The alternative would be to leave the two vehicles on Roman Road where there is already a parking problem.
- Access from the rear of the proposed dwelling. Access to the rear by vehicle would not be possible because of the narrowness of the unmade track running along the east side of Square Meadow, a public footpath/bridleway. It would also pass very close to the new dwelling at number 1 Dandy Row. Access from Ambleside Drive is impassable to vehicles because of the pinch-point at the SE corner of Square Meadow.
- Turning a vehicle on the land in front of the proposed building. There is insufficient space in front of the proposed dwelling to enable cars to be turned. The applicant already has problems in accessing his site. He has to drive his vehicle to behind number 40 Dandy Row, make a 3-to-5 point turn, drive back along the track past his garage and then reverse into it.
- The only vehicular access is from below number 2 Dandy Row. This track has developed over the years as more residents have acquired cars. It is an unmade road which is maintained at intervals by the residents. There would be more wear-and-tear on almost the entire length of the track. Visitors to the proposed dwelling would cause further problems of parking as well as wear.

❖ **Privacy. The height of the existing and proposed building**

- The garage was erected higher than planned because the builder built up the land before starting work. Any house built on the same foundations would overlook the bedrooms of numbers 36 to 30 and possibly further along Dandy Row.

❖ **Previous planning decision - the old wooden garage which should have been demolished**

- The proposed site also includes a smaller garage which should have been demolished on completion of the new replacement garage - Planning Dept reference RHN/P/10/01/0958. This was to prevent the space being used for access and egress. A wall should have been built in order to prevent users of the garage from adding to wear and tear on the trackway behind numbers 38-44. This may have been

overlooked by the Council because soon after the completion of the building work, the builder/owner, living at number 34 Dandy Row, went bankrupt and then spent time in prison for an unrelated offence. The subsequent sale of the garage may have confused matters at the time. The old wooden garage has been gradually replaced by the applicant with brick walls and tiled roof and has been extended more than a metre forward into the common turning space. The roof has also been raised.

Yours sincerely

Brian and Eileen Cowen