

DEPARTMENT OF GROWTH & DEVELOPMENT

ORIGINATING SECTION: Planning

REPORT TO: Planning & Highways Committee

TITLE: Petition supporting an application for full planning permission for the following development:

'Full Planning Application (Retrospective) for Rear dormer (retrospective) (amendments to previously refused application 10/21/1266)", at

10 Brantfell Road

Blackburn

BB1 8DN

WARD: Shear Brow & Corporation Park

Councillor: Akhtar Hussain

Councillor: Suleman Khonat

Councillor: Zainab Rawat

1.0 PURPOSE OF REPORT

1.1 To inform Members of the receipt of a petition supporting a current planning application relating to Full Planning Application (Retrospective) for Rear dormer (retrospective) (amendments to previously refused application 10/21/1266) at No.10 Brantfell Road, Blackburn BB1 8DN

1.2 The application is submitted by Mr Yasin Khonat

2.0 BACKGROUND AND DETAILS

2.1 The current planning application – reference 10/23/0076 – was received by the Local Planning Authority (LPA) on 30th January 2023, and was subsequently registered on 31st January 2023. 5 neighbourhood letters of consultation were sent out on the date of registration to local addresses near the application site and a site notice and press notice displayed on 2nd February 2023 and 7th February 2023 respectively. The statutory 21 day consultation period expired on 21st February 2023.

2.2 The petition was received by the LPA on 9th February 2023. The lead petitioner is the applicant of the current planning application. The petition is submitted specifically in support of dormer extensions to dwellinghouses within the Conservation Area (CA) with specific reference made to Corporation Park. A redacted version of the petition is appended to this report.

- 2.3 The petition also makes specific reference to inconsistencies on planning decisions when assessing planning applications within the CA. Further, it is stated the LPA offer no clear guidance or compromise during the course of an application.
- 2.4 Under Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), rear dormers are not permitted development at dwellings located on Article 2(3) land (CA), hence the need for planning approval for all dormer extensions.
- 2.5 Members are advised that adopted Supplementary Planning Documents (SPD) form part of the Development Plan and are therefore a material planning consideration. In this instance The Corporation Park Conservation Area Appraisal (CPCAA) 2013 is of relevance.
- 2.6 Development proposals for each planning application is assessed on its own merits. The character and appearance of the surrounding area is an important consideration when assessing alterations/additions to a domestic dwellinghouses situated within a designated Conservation Area as is the impact of the proposal towards the host property.
- 2.7 The petition makes specific reference to 'no clear guidance' on development proposals to domestic dwellinghouses within the CA. The LPA offer a rebuttal to this statement in that detailed guidance is contained within the adopted Residential Design Guide (2012) and the Design Leaflet 'A guide for extending terraced houses' (2013). Both documents are published and available on the Council's website.
- 2.8 The petition also makes reference to inconsistent planning decisions within the CA. Addresses provided are No.30 and No.36 Brantfell Road, No.385 Revidge Road, No.2 Brantfell Road and No.1 East Park Road. Regarding each of these:
- No.1 East Park Road (10/21/0131) - Proposed lower ground and ground floor rear extension to create additional accommodation – Approved subject to conditions on 24/06/2021.
 - No.2 Brantfell Road – (10/12/0446) - Proposed Rear Single Storey Extension – Approved subject to conditions on 12/06/2012.

Both the above applications bear no similarities to the application at No.10 Brantfell Road.

No.30 Brantfell Road - 4 planning applications submitted at the site and of particular relevance is 10/08/0890 – Proposed rear dormer extension – Approved subject to conditions on 16/10/2008. This proposal was approved prior to the adoption of the current development plan. *The other 3 applications at the site bear no similarities to the application at No.10 Brantfell Road.*

No.36 Brantfell Road – (10/17/0416) - Demolition of outbuilding and garage, installation of velux windows, proposed rear dormer extension and single storey rear extension – Approved subject to conditions on 05/07/2017. It is acknowledged a rear dormer was approved as part of this application, however, it should be noted this property sits at an elevated position and therefore the dormer is not as visually prominent to that of the constructed dormer at No.10 Brantfell Road.

No.385 Revidge Road – (10/15/0499) – Proposed rear dormer – Approved subject to conditions on 12/01/2016. Again, whilst it is acknowledged a rear dormer was approved, it should be noted this stretch of Revidge Road lies adjacent to an open golf course and garage colony. Thus it is not considered there are any similarities to this approval and the proposal at No.10 Brantfell Road.

- 2.9 Additionally, since these two approvals, in 2021, the National Planning Policy Framework (NPPF) has been significantly amended. The updated NPPF provides robust guidance for LPAs on the impact of development proposals in context with heritage assets and great importance is placed in protecting these assets such as Conservation Areas.
- 2.10 In response to the petitioner's perception that the advice they receive is predominately negative relating to proposals for rear dormer extensions in the conservation area, this is acknowledged by officers as families wish to extend their homes. However, it should be noted that Planning Officers always try and suggest revisions to a proposed scheme where appropriate to make it more acceptable from a design perspective that respects the character and appearance of the conservation area, and harmonises with the host property. This is clearly evident in the assessments of the proposals at Gibraltar Street, and South Street in Darwen, and more recently with a current planning application at No.4 St Andrew's Street, Blackburn, all of which are located within conservation areas.
- 2.11 The lead petitioner also states incorrect advice was provided to them prior to the erection of the dormer at No.10. The advice provided was correct and the applicant was informed by email a dwelling house within a designated Conservation Area would contravene Part 1, Class B requirements of the General Permitted Development Order (GPDO). Whilst all on-line queries are responded to as an informal opinion and therefore without prejudice, for formal clarification, all enquirers should apply for a Lawful Development Certificate.
- 2.12 Had the applicant submitted a pre-application enquiry prior to the construction of the dormer, the applicant would have clearly been made aware the development would not be supported highlighting the reason why and other relevant material planning considerations would have been highlighted.
- 2.13 The petition contains 54 signatures, directly from nearby addresses on Brantfell Road, Langham Road and East Park Road. The petition is appended to this report.

2.14 Members are advised that all material issues that must be considered in the decision making process are being currently assessed with the planning application, and this takes into account the previously refused planning application for a near identical proposal (ref: 10/21/1266), and in particular the subsequent appeal decision as this is a fundamental material planning consideration that forms an important part of the assessment of this application. In addition, the Committee authorised Enforcement action to be taken for the removal of the dormer extension at their meeting on the 21st April 2022 (ref: 2021E0370). The Enforcement Notice was served on the 7th December 2022, which took effect on the 20th January 2023, having a compliance period of 6 months.

2.15 The following photographs show the dormer extension as constructed to the rear of the application site.



3.0 **RECOMMENDATION**

3.1 That the Petition be noted by Members and that the lead petitioner be informed of any decision taken, including the outcome of the application. It is advised that a meeting is held between the applicant/agent and the case officer to discuss amendments to the scheme before any decision is made.

4.0 **BACKGROUND PAPERS**

4.1 The petition subject of this report, including signatures and comments.

4.2 Planning application 10/23/0076

5.0 **CONTACT OFFICER:** Adam Shaikh, Planning Officer, Development Management.

6.0 **DATE PREPARED:** 7th March 2023