

**APPEALS MONITORING REPORT RELATING TO APPEALS DETERMINED BETWEEN THE PERIOD 23rd AUGUST 2022 AND 6th APRIL 2023
PLANNING & HIGHWAYS COMMITTEE – 20th APRIL 2023**

APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
7 th April 2022	APP/TPO/M2372/8755 10/21/0550	11 Vale Street, Edgworth, BL7 0EB T2 Beech - Crown Reduce 20% Crown Thin 10% T3 Sycamore - Fell T4 Sycamore - Crown Raise upto 5m T5 Sycamore - Fell T6 Sycamore - Fell T7 Beech - Fell	Written Representations	Dismissed	3 rd November 2022	The Inspector considered the appeal trees, make a positive contribution to the mature and verdant landscape of the locality and to the character and appearance of the area. The works would give considerable harm to the character and appearance of the area.
13 th July 2022	APP/M2372/W/22/3298121 10/21/0957	Land to the side of 81 Ramsgreave Drive Blackburn BB1 8NA Extension to garden area (retrospective)	Written Representations	Allowed	2 nd November 2022	The Inspector considered the movement of vehicles into and out of the junction would not necessarily change as a result of the development, because the unmade carriageway width forming Ramsgreave Drive would be retained as existing. As such, there would be

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						no material harm to the existing manoeuvring arrangements at this junction.
1 st June 2022	APP/M/2372/W/22/3296993 10/21/1093	126 Abraham Street Blackburn BB2 3PJ Change of use from a single residential dwelling (C3) to a house in multiple occupation (C4) for 4no residents	Written Representations	Allowed	7 th September 2022	The Inspector considered there was limited information including the exact location and numbers of existing HMO sites, to assess whether there is a concentration of HMOs in the area. The Inspector went further and considered there was little substantive evidence to demonstrate that the existing and previous problems that local residents and ward councillors have referred to are a consequence of overcrowding, lack of amenity space etc. The Inspector was aware of the Article 4 Direction within which

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						the appeal is located, however they concluded there was insufficient evidence in relation to the concentration of HMOS, to suggest that the introduction of 1 HMO in this location would unbalance or skew the housing provision in the area to a level that would have an adverse effect on its social character. The Inspector considered there would be no issues regarding highway safety. The Inspector recommended a condition restricting the number of residents to no more than 4.
7 th June 2022	APP/M/2372/W/22/3293804 10/21/1302	14 Lord Street Blackburn BB2 1LU Change of Use of Retail Unit (Class E)	Written Representations	Dismissed	9 th December 2022	The Inspector considered the scheme would limit the opportunity for the retail and leisure provision that the local

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		to Betting Shop (Sui Generis)				plan policies aim to provide to regenerate the area. The Inspector recognised the fall-back position with regards to the Class E use of the appeal property, however betting shops are not included in this class. The inspector therefore considered that with regards to Policy 30, and the fall back position, any benefits from the scheme bringing a vacant unit back into use would undermine the vitality and viability of the town centre.
17 th January 2023	APP/M/2372/D/22/3310671 10/22/0713	83 Queens Road Blackburn BB1 1QF Erection of timber gazebo (retrospective)	Written Representations	Dismissed	30 th January 2023	The Planning Inspector considered owing to the scale and appearance of the structure built forward of the building line along Queens Road, would be an incongruous addition

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						to the street scene. It harmfully detracts from the building line that is appreciated by those that travel along Queens Road, and is seen as a dominant and out of character addition in the street scene.
16 th December 2022	APP/M/2372/D/22/3309961 10/22/0426	13 Charlotte Street Blackburn BB1 7LE Double storey rear extension and rear dormer	Written Representations	Dismissed	10 th February 2023	The Planning Inspector considered the new extension due to its siting and scale would have a significant enclosing impact on the windows to No.15, creating an overbearing dominant impact. In addition, the rear extension would lead to overdevelopment resulting in a very small amount of private amenity space.
15 th September 2021	Appeal A Ref: APP/M2372/C/22/3304083 Appeal B Ref: APP/M2372/C/22/3304084	Land and Buildings on the South side of Livesey Branch Road, Blackburn BB2 5FB	Public Inquiry	Dismissed – Enforcement Notice amended to remove element relating	14 th February 2023	The Planning Inspector considered the requirement to maintain the land in a neat and healthy

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	ENF 0336	Failure to comply with Condition 3 (10/01/0516) – Landscaped areas shall be maintained in a neat and healthy condition; Material change of use of land from Public Open Space to “private enclosed land”, and erection of gate/fence at a height of 1.94m		to the landscape condition being maintained in a neat and healthy condition as this condition is unenforceable. Allow unrestricted access by members of the public into the area of public open space. Compliance period 2 months i.e. 14 th April 2023.			condition is so fundamentally vague and uncertain that anyone reading the notice cannot understand what is required to comply. Therefore, the wording does not meet the statutory and policy tests and should be removed. The Inspector based on the evidence presented at the Inquiry, concluded that on the balance of probabilities the land was used as public open space from the time that the developers left the appeal site in 2006. There was no evidence to show that there was a change of use to private amenity space during this time. The new gates/fence erected in May 2022 prevent access by the

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						public which caused a material change of use of the appeal site to use as private open space. The appellants agreed that if the lawful use was found to be public open space they would not pursue the grounds of appeal relating to the gates and fence.
8 th September 2022	APP/M/2372/ Z/22/3305708 10/22/0570	Land at Bank Bottom (Corner of Borough Road) Darwen BB3 1PL Erection of a freestanding 48-sheet sized digital LED advertising unit	Written Representations	Dismissed	17 th February 2023	The Planning Inspector considered proposed unit would be out of character with the historic built environment. It would be out of scale and out of keeping with the nearby commercial fascia and highway signage, the sign would not assimilate into its surroundings rather it would be a dominant feature that would contribute to visual clutter.

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8 th September 2022	APP/M/2372/ D/22/3302939 10/22/0320	84 Walter Street Blackburn BB1 1SX Erection of glazed balcony to rear	Written Representations	Dismissed	10 th March 2023	The Planning Inspector considered the proposal would have an adverse impact towards the No.82 in terms of overlooking and loss of privacy.

TOTAL NUMBER OF DECISIONS: 9

TOTAL NUMBER ALLOWED: 2 (12%)

TOTAL NUMBER DISMISSED: 7 (78%)