

DEPARTMENT OF GROWTH & DEVELOPMENT

ORIGINATING SECTION: Planning.

REPORT TO: Planning & Highways Committee.

TITLE: Petition regarding Full Planning Application (Retrospective) for Rear dormer (retrospective) (amendments following planning refusal App No: 10/23/0076)

At: 10 Brantfell Road

Blackburn

BB1 8DN

(Ref: 10/23/0460)

Applicant: Mr Yasin Khonat

Ward: Shear Brow & Corporation Park

Councillor: Akhtar Hussain
Councillor: Suleman Khonat
Councillor: Salma Patel

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 following planning refusal App No: 10/23/0076).
- 1.2 The application is submitted by Mr Yasin Khonat

2.0 BACKGROUND AND DETAILS

- 2.1 The current planning application – reference 10/23/0460 was received by the Local Planning Authority (LPA) on 2nd June 2023, and was registered on the same day. 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 6th June 2023 and 26th June 2023 respectively. The statutory 21 day consultation period expired on 27th June 2023 for the consultation letters and site notice. The statutory 14 day consultation period for the press notice will expire on 10th July 2023.
- 2.2 The petition was received by the LPA on 21st June 2023. The lead petitioner is the applicant of the current planning application. The petition has been submitted specifically in support of dormer extensions to dwellinghouses within the Conservation Area (CA) with specific reference made to the wards 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 as 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 domestic dwellinghouses situated within a designated Conservation Area as is the impact of the proposal towards the host dwelling.
- 2.7 The petition makes reference to ‘no clear guidance’ on development proposals to domestic dwellinghouses within the CA. The LPA offer 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. Specific 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 application 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 application 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 (1015/0499) – 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 LPA's 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 predominantly 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 Officer's 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, South Street in Darwen, and more recently at No.4 St Andrew's Street, Blackburn, all of which are located within Conservation Areas.

2.11 Further, most recently, the LPA has supported a rear dormer extension at No.335 Revidge Road (10/23/0176). This property is also situated within the Corporation Park Conservation Area. This further emphasises the LPA are not opposed to development proposals and will support proposals within Conservation Areas and this perception the LPA do not support rear dormer proposals within a specific CA i.e. Corporation Park Conservation Area is incorrect. As per above, each application is assessed on its own merits taking into account the context of the site and its surroundings.

2.12 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 on development proposals, all enquirers should apply for a Lawful Development Certificate.

- 2.13 Had the applicant submitted a pre-application enquiry prior to the construction of the dormer, the applicant would have clearly been made aware the proposal would not be supported emphasising the reason why and other relevant material planning considerations would have been highlighted.
- 2.14 The petition contains 53 signatures, directly from nearby addresses on Brantfell Road, Langham Road, and East Park Road. Signatures from residents outside of the Shear Brow & Corporation Park ward are also within the petition. The petition is appended to this report. Members are advised that the petition received is identical to the petition received relating to the previous planning application 10/23/0076, and which was reported to the Committee at their meeting on the 16th March 2023.
- 2.15 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 applications for similar proposals (10/21/1266 & 10/23/0076), and in particular the subsequent appeal decision for the first application 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 20th January 2023, having a compliance period of 6 months. The notice is currently the subject of an appeal.
- 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/agent acting on behalf of the applicant be informed of any decision taken, including the outcome of the application.

4.0 **BACKGROUND PAPERS**

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

4.2 Planning applications: 10/23/0460, 10/23/0076 and 10/21/1266
Enforcement case file: 2021E0370.

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

6.0 **DATE PREPARED** –27th June 2023.