

**APPEALS MONITORING REPORT RELATING TO APPEALS DETERMINED BETWEEN THE PERIOD 2nd DECEMBER 2023 AND 3rd OCTOBER 2024
PLANNING & HIGHWAYS COMMITTEE – 17th OCTOBER 2024**

APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
4 th September 2023	APP/M2372/W/23/3322409 10/22/1112	39-41 Hornby House King Street Blackburn Alterations to the first and second floor to form internal room partitions (part retrospective) and creation of roof windows to the south elevation (2 of which are retrospective) – Listed Building Consent	Written Representations	Dismissed	12 th December 2023	The Inspector considered that the level of detailed submitted regarding works to the attic was so poor he could not be confident a scheme could be delivered, and given the significance of the trusses and rooflights to the listed building, the proposal would harm the internal second floor attic. The identified public benefits of the proposal would not be sufficient to outweigh the harm the Inspector found in respect of both the first and

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						second floors, thereby failing to preserve the Grade II listed building.
4 th September 2023	APP/M2372/W/23/3322408 10/22/1113	39-41 Hornby House King Street Blackburn 1. Change of use of 39 and 41 King Street at ground, first and second floors to a C1 hotel comprising a total of 33 bedrooms (13 of which are retrospective and 20 proposed). The proposed use includes ground floor ancillary hotel reception/breakfast/lounge/games room and retention of ancillary manager's accommodation to the rear. 2. Creation of roof windows to the south elevation (2 of which are retrospective) - Full planning permission	Written Representations	Allowed	12 th December 2023	The Inspector considered the proposed hotel use is in a suitable location having regard to local and national policies for town centre development. The proposal would comply with Policies 8 and 26 of the Local Plan, and the NPPF. Whilst Policy 19 (apartment development and HMO) is cited by the Council in the reason for refusal, the Inspector concluded this policy principally seeks to manage poor quality

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						housing in housing areas and, consequently, it is not relevant to the proposed use as a hotel in the town centre.
31 st October 2023	APP/M/2372/W/23/3326614 10/23/0033	84-86 Sarah Street Darwen BB3 3ET Proposed Change of Use from Cafe/Restaurant (Class E) to Hot Food Takeaway (Sui Generis) including Retention of Extractor Flue following following Refusal (Planning App No: 10/21/1431)	Written Representations	Dismissed	8 th February 2024	The Inspector considered that the flue as constructed is more bulbous at the lower level than the previous flue, and thereby harms the character and appearance of the host building and the surrounding area. The Inspector considered the proposed hot food takeaway use would likely to generate noise and activity at a time when most people in the

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							<p>surrounding area would be at home and reasonably expect quieter conditions. The Inspector also concluded that the proposal would not accord with the local development strategy for the area with regard to public health, and would conflict with Policy DM01 of the new Local Plan, and also with the guidance in the adopted SPD, which both seek to manage the location and type of hot food takeaway premises to improve the health outcomes of the local population.</p>

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6 th June 2023	APP/M/2372/X/23/3320474 10/23/0145	White Lodge Farm Blackburn Road Edgworth Bolton BL7 0PU Conversion of garage to garden room, construction of garage to side and driveway to serve new garage using existing access onto Blackburn Road - Certificate of Lawfulness application.	Informal Hearing – 6 th February 2024	Allowed	4 th March 2024	The Inspector considered based on the evidence before the Hearing and the observation during the site visit, the land on which the proposed garage and driveway leading to it would be located is contiguous with the land immediately to the side, front and rear of the dwelling. Its proximity to the dwelling, contiguous relationship with the other land immediately adjacent to the dwelling and lack of any physical boundary with it results in it clearly being intimately

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						associated with the dwelling to such an extent that it forms part and parcel of the dwelling. As the proposed development would be within the curtilage of the dwelling house and would satisfy the requirements of Class A of the GPDO, it would therefore be permitted development.
19 th December 2023	APP/M/2372/W/23/3328719 10/23/0169	27 Skye Crescent Blackburn BB1 2JN Erection of a detached dwelling	Written Representations	Dismissed	21 st March 2024	The Planning Inspector considered the proposed development would cause unacceptable harm to the living conditions of the occupiers of Nos 34 and 36 Dunoon Drive,

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						thereby conflicting with Policies CP8 and DM02 of the new Local Plan, and the principles set out in the adopted SPD. The Inspector also considered that the proposed development would be unacceptably harmful to the character and appearance of the area, therefore conflicting with Policies CP8 and DM27 of the Local Plan, and the design principles of the SPD.
31 st October 2023	APP/M/2372/W/23/3326631 10/23/0171	126 Abraham Street Blackburn BB2 3PJ Change of use from a single residential dwelling (Use Class C3)	Written Representations	Dismissed	7 th February 2024	The Planning Inspector considered the proposal would result in an intensification of the use of the

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		to a house in multiple occupation for 6 No. residents (Use Class C4)					building through sub-division and conversion to a 6 bed HMO, and it would result in the loss of family housing, conflicting with Policy DM06 of the Local Plan. The proposal would result in harm to the character of the surrounding area, with particular reference to the balance and mix of housing including the supply of family sized dwellings. The proposal would also not comply with the Nationally Described Space Standards for sub division of properties, and therefore would

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						conflict with Policies DM02 and DM03 of the Local Plan.
29 th February 2024	APP/M2372/H/23/3330195 10/23/0184	Unit F Towns Moor Retail Park Great Bolton Street Blackburn BB2 3PX New illuminated and non illuminated signage	Written representations	Allowed – 1no. internally illuminated totem sign	8 th May 2024	The Planning Inspector considered the surrounding area was commercial in nature and there are several existing shared and standalone totem signs which are well spaced out. The proposal would increase the level of freestanding signage in the area, and the proposed sign would not appear as incongruous or lead to visual clutter.
23 rd October 2023	APP/M/2372/ W/23/3325701 10/23/0254	429 Bolton Road Darwen BB3 2JQ	Written Representations	Allowed	7 th February 2024	The Planning Inspector considered that the property is located close to

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		Conversion of existing dwelling house into two dwelling houses, internal alterations and first floor rear extension				the edge of the urban area of Darwen and has easy access to public open space, notably at Whitehall Park. On balance the Inspector concluded the combination of the amenity area to the front of the dwelling (which would serve a functional purpose) and the close proximity of the public open space, would meet the requirements of Policy DM02 (ii) of the local plan.
19 th October 2023	APP/M/2372/ D/23/3327487 10/23/0512	11 Greenhead Avenue Blackburn BB1 5PR Proposed construction of additional storey. Max Height	Written Representations	Dismissed	12 th February 2024	The Planning Inspector considered the proposal by virtue of its bulk and mass would be significantly

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		9.87m. – Prio Approval – larger homes – additional storey.					higher than the other dwellings on the street, failing to integrate with the surrounds or to visually relate to the predominate two storey form of development. It would be of a greater scale than is common the street, reading as a visually disruptive feature that would not assimilate comfortably into the surrounding built environment. The proposal will also result in significant adverse impacts on the living conditions of neighbouring residents with regards to

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1 st February 2023	APP/M/2372/ C/22/3313692 APP/M2372/C/22/3313693 2022E0154	29 Princess Gardens, Blackburn BB2 5EJ Enforcement appeal Enforcement Notice issued 25 th November 2022 – the breach of planning control – without planning permission the erection of wood perimeter fencing and heavy duty metal roller shutter gate a height of over 1 metre. Compliance period 2 months.	Written Representations	Dismissed	15 th August 2024	outlook, privacy and loss of light. The Planning Inspector acknowledged the appellant claims that the boundary fencing, but this was not reasonably corroborated with objective evidence. There was a lack of objective evidence from the appellants to counter the claim made by the Council that when the notice was issued, new boundary fencing had been erected on the land in conjunction with the erection of a roller shutter gate. In this regard, the Inspector did not

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						<p>find that the fencing is immune from enforcement action. With regards to the second appeal size of the boundary treatment the Inspector amended the wording in the Notice to "Remove the heavy-duty metal roller shutter gate. Either remove the front and side boundary fencing or reduce the front boundary fence to a height of no more than 1 metre, and the side boundary fence to a height of no more than 2 metres reducing to no more than 1</p>

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						<p>metre as it approaches the front fence ling for a distance of 3.1 metres back from the edge of the highway.</p> <p>COSTS – the appellant applied for Costs from the Council. The award of Costs was REFUSED by the Inspector – The Council did not act unreasonably with regards to the issuing of the enforcement notice, and the appellants have not been put to wasted time and expense.</p>

TOTAL NUMBER OF DECISIONS: 10

TOTAL NUMBER ALLOWED: 4 (40%)

TOTAL NUMBER DISMISSED: 6 (60%)