

**APPEALS MONITORING REPORT RELATING TO APPEALS DETERMINED BETWEEN THE PERIOD 5TH OCTOBER 2017 AND 5TH OCTOBER 2018
PLANNING & HIGHWAYS COMMITTEE – 18TH OCTOBER 2018**

APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
03/08/2017	10/16/1349	Land adjoining Moorthorpe Cottage Chestnut Grove Darwen – Erection of a dwelling	Written Representations	Allowed. Full costs awarded to appellant – Council did not provide enough evidence to substantiate their reason for refusal relating to the impact on the trees.	25/10/2017	The Inspector found that there would be some moderate conflict with Policy 28 of the LPP2, which identifies ‘Long Clough’ as an area for very small scale residential development, providing there is no loss of trees or woodland. However, given the very limited amenity value of the trees to be removed and that a woodland management scheme would be implemented to improve the overall woodland, the Inspector found that it would accord with the LPP2 as a whole. Whilst there would be a loss of trees, which would have limited harm, this would be outweighed by the benefits of a woodland management scheme that would improve the visual amenity of the area and wildlife habitats. The

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						Inspector concluded that the proposed development would have no significantly adverse effect on the character and appearance of the surrounding area. Nor would it be likely to have a long-term effect on protected trees on the site. As such, it would comply with Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2: Site Allocations and Development Management Policies (LP2) 2015, which, amongst other matters, seeks to protect trees.
27/11/2017	10/17/0240	Newlands 61 Manor Road Darwen Demolition of existing garage and outbuilding and the erection of a single dwelling.	Written Representations	Dismissed	08/02/2018	The Inspector concluded that should the proposal proceed, the existing dwelling and the new property would each have small garden areas significantly below that of other neighbouring dwellings. Furthermore the area is characterised by a linear pattern of built

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						<p>form with individual properties running along the road with only small domestic outbuildings and garages to the rear. The siting of the proposed dwelling to the rear of the appeal property would be at odds with this pattern of development. The appeal proposal would therefore cause significant harm to the character and appearance of the area. The Inspector felt on balance that the appeal scheme would be more harmful to the character and appearance of the area than the approved annexe.</p>
03/10/2017	10/17/0324	<p>1 Petrel Close Blackburn</p> <p>2 Storey side and rear extension.</p>	Written Representations	Allowed	29/11/2017	<p>The Inspector considered the proposed two storey side extension would result in the appeal property projecting further towards Hawkshead Bank Road. However, a gap to the pavement would still be retained such that there would be a small side</p>

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						garden area between the appeal property and the highway. Given this and the wide expanse of open grassland to the opposite side of Hawkshead Bank Road in this location, the Inspector found that the proposal would remain in keeping with the area's attributes of greenery and openness identified earlier. The extension would appear subordinate to the original dwelling.
20/11/2017	10/17/0440	15 Percival Street, Blackburn 2 storey rear extension	Written Representations	Dismissed	20/11/2017	The Inspector considered that the large scale and the siting of the extension close to the adjoining properties meant that it would dominate and significantly reduce the outlook from them. In addition due to its size, position and design the proposal would reduce the amount of daylight and sunlight received by Nos 13 and 17 and would result in direct overlooking of the rear extension at No 17 and a

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						consequent significant loss of privacy to the occupiers of that property.
14/11/2017	10/17/0478	<p>Land Adjacent to 3 East Lancashire Road Blackburn</p> <p>Erection of one detached dormer bungalow with on site parking</p>	Written Representations	Dismissed	07/02/2018	<p>The Inspector considered that the appeal proposal would form an intrusion into the attractive open area at the junction of Brownhill Road and East Lancashire Road. This would undermine its importance as a visual break from development, adversely affecting the character and appearance of the area. The proposal would therefore fail to comply with Policy 11 of the Blackburn with Darwen Local Plan Part 2. The appellant argued that there was a lack of 5 year housing land supply. The Inspector though felt there would be significant harm to the character and appearance of the area conflicting with Policy 11. As such, the scheme is for a single dwelling which would make little</p>

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						difference to the overall supply, and therefore attached only limited weight to this benefit. The presumption in favour of sustainable development does not apply.
23/10/2017	10/17/0639	4 Manor House Cottages Blacksnape Road Darwen Demolish existing porch and erect a rear sun lounge	Written Representations	Dismissed	24/11/2017	The proposed development to provide a sun lounge would extend almost the whole width of the front of the property and project out some 3 metres from the front of the cottage. Whilst the materials would be to match existing, the Inspector considered the substantial bulk of the proposed development both in terms of width and depth; the extent of the scale of fenestration would not reflect that of the existing and neighbouring properties, together with the lower pitch of the roof and the loss of the porch. As such, it would appear discordant and significantly adversely

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						impact on the character and appearance of the host property and the other cottages. Consequently, the proposal would be contrary to the principles of good design set out within Policy 11 of LPP2.
22/02/2018	10/17/1168	63 Avondale Road Darwen Proposed first floor rear bedroom extension above existing kitchen	Written Representations	Allowed	26/03/2018	The Inspector considered that the appeal proposal would be a modest addition to the existing property. In addition, the extension would not be sited against neighbouring bedroom windows. The appeal property sits lower than No.65, and therefore the impact on their bedroom window would be minimal.
22/02/2018	10/17/1170	174 Bolton Road Edgworth Rear dormer extension to existing bedroom	Written Representations	Dismissed	19/03/2018	The Inspector considered that the appeal proposal would introduce an unduly prominent feature into the roofscape exacerbated by the introduction of a large window and a small window, neither of which would appear in keeping

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						with the existing fenestration of the host property, or that of neighbouring dwellings. In summary, the Inspector found that the proposed development would harm the character and appearance of the Edgworth Conservation Area.
18/04/2018	10/17/1186	6 Elm Street, Blackburn Erection of double storey with single storey extension to rear.	Written Representations	Allowed	22/05/2018	The Inspector considered the proposed extension's staggered form and low ridge height would ensure that it appears subordinate to the host property. The extension would not be prominent nor would have an adverse impact on the character of the surrounding area.
04/06/2018	10/17/1390	The Coach House Wellington Street St Johns, Blackburn Proposed conversion of existing garage to ground floor and	Written Representations	Dismissed	17/07/2018	The Inspector considered the separation distance between the site and No.21 Shear Brow is substandard , together with the bulk and massing of the extension it would have an overbearing

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		erection of first floor extension to create additional living accommodation.				impact towards No.21.
	10/17/1414	49 St Clement Street Blackburn Proposed part single/two storey rear extension and conversion of front shed into enlarged bathroom	Written Representations	Split Decision	29/06/2018	The appeal is dismissed insofar as it relates to the proposed rear single and double storey extension. The appeal is allowed insofar as it relates to the conversion of the front shed building into an enlarged bathroom and planning permission is granted for the conversion of the front shed building into an enlarged bathroom. The proposed rear extension whilst being subordinate to the host dwelling, would have an impact on the character of the immediate surroundings breaking up the uniformity and pattern. In addition, the extension would have an overbearing impact on No.47. The conversion of the shed to a bathroom would have no impact on

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						the adjacent property or the surrounding area, and as such the Inspector considered this to be acceptable.
21/03/2018	10/17/1421	181 Duckworth Street Darwen Change of use from shop (A1) to hot food takeaway (A5) and installation of an extraction flue	Written Representations	Dismissed	23/05/2018	The Inspector concluded that the proposed use would lead to an over-concentration of non A1 uses within the frontage contrary to Policy 31 of LPP2. The appellant had not provided sufficient evidence relating to the marketing of the site, details of investment required or the repairs. In addition, there was lack of information relating to the required flue and what impact this would have on the conservation area.
13/08/2018	10/18/0064	11 Billinge Street Blackburn Erection of double storey extension to side and rear with single storey extension to side and rear. Replacement of existing 2m high	Written Representations	Dismissed	02/10/2018	The Inspector considered the effect of the proposed extension would be to introduce a large flank wall abutting the public highway which, in combination with the varying roof orientations and heights, would result

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		timber fence with a 2m high wall, Creation of a driveway to rear with concrete hardstanding.				in a dominant and incongruous addition. The Inspector understood the wishes of the appellant to provide more accommodation for his family so that they can remain in the local area. However, these personal circumstances are not sufficient to outweigh the harm that the Inspector has identified
13/08/2018	10/18/0125	15 Devon Road, Blackburn Proposed single storey side extension and outbuilding to rear with flat roof and timber cladding to be used as garden room	Written Representations	Dismissed	02/10/2018	The Inspector considered that the proposed outbuilding would be substantial in size. It would occupy a significant proportion of the garden and would appear unusually large in relation to the house to which it would be associated with. As such, it would be dominant when viewed from neighbouring houses. The single storey side extension as agreed with the Council is permitted development.
16/07/2018	10/18/0248	Tockholes Barn Tockholes Road	Written Representations	Dismissed	01/10/2018	The Inspector considered that the increased floor

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		Darwen Demolition of barn and construction of 1 no bungalow Adj. Hollinshead Terrace (resubmission of 10/17/1206)				area of the new dwelling would have an adverse visual impact on the character and appearance of its setting and the wider area. In addition, the increased area relating to the residential curtilage would also impact on the character and appearance of the surrounding. Whilst being able to control outbuildings through the imposition of a condition removing permitted development rights, domestic paraphernalia associated with gardens would impact on the rural setting of the appeal site.
17/02/2017	Enforcement Appeal – E288	Land at Kiln Bank Hoddlesden, Darwen The breach of planning control as alleged in the notice is the introduction onto the land of two wooden outbuildings.	Informal Hearing	Allowed – Enforcement Notice quashed, and planning permission granted for the wooden building subject to condition - The building hereby permitted shall only be used for housing	18/10/2017	The 'larger' wooden outbuilding was removed from the land prior to the site visit and to this extent the Appellant has complied with the requirement of the enforcement notice. The ground (a) appeal therefore relates only to the smaller

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				live poultry and for no other use		wooden outbuilding. The Inspector considered the outbuilding is for agriculture and is therefore not inappropriate development in the Green Belt, and complies with LP policy 3 and with paragraph 89 of the NPPF.
23/03/2017	Enforcement Appeal – E290	<p>Land at Sett End Woods, Blacksnape, Hoddlesden</p> <p>The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land from a timber storage use within the greenbelt to that of a mixed use, consisting of greenbelt and residential use by virtue of the siting of a caravan with attached wooden storage unit being used for residential purposes. The introduction onto the land one large sea</p>	Informal Hearing	Dismissed – compliance period on the Notice increased to 12 months from 6 months to Cease the residential use of the land and remove from the land the caravan with attached wooden storage. Remove from the land the metal sea container and wooden storage buildings. Partial Award of costs to appellant for the failure to meet notification	20/09/2018	The Inspector concluded in the context of the existing planning permission for the use of the land for timber storage and conversion to firewood regardless of the source of the timber, he considered that in the circumstances these activities do not amount to an extension of the forestry use to the appeal site. The various tools and equipment kept on the site, chainsaws, wood chipping and log splitting plant, are the tools of Mr Thornley’s trade, both forestry and tree surgery, and can be considered as

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		container used for plant storage and three wooden storage buildings.		requirements causing the adjournment of the first Hearing.		directly connected to the permitted use of the site or to the residential use. Keeping that equipment on the appeal site does not, in the Inspector’s view, equate to a forestry use. For the reasons given above the Inspector considered that the matters stated in the notice which appear to constitute the breach of planning control, as amended, have occurred. As a result of this the Inspector considered the development to be inappropriate development because it does not preserve Green Belt openness and it conflicts with one of the purposes of including land in the Green Belt. The Inspector was not persuaded, on the basis of the evidence provided, that an essential need to live on the site had been demonstrated. Overall, the harm due to

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						inappropriateness, loss of openness, conflict with the purposes of including land in the Green Belt, to the character of the area, and the conflict with the relevant development plan policies, weigh very substantially against the proposal, whereas the material considerations in its favour can only be given very limited weight.
21/04/2018	Enforcement Appeal - E302	Land to the rear of 2 Hawkshaw Avenue, Darwen	Written Representations	Dismissed and notice upheld	5 th October 2018	The Inspector considered that given the position, materials and colours of the piers and the roller shutter door, this part of the unauthorised development looks materially out of place and stark in the street-scene when seen against the long and characterful stone boundary walls which abut the pavement in this part of Blackburn Road. This harm is compounded by the fact that the structure is much higher than the stone boundary walls and

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						<p>consequently it appears dominant and intrusive in this main road corridor setting. The polycarbonate fascia above the roller shutter door is visible from Blackburn Road. This exacerbates what is a very high and dominant structure in the street scene, particularly when compared to the lower stone boundary walls. Furthermore, this material looks significantly out of place in the street-scene. The Inspector also has have highway safety and traffic movement concerns relating to the effect of the parking of vehicle(s) on the land irrespective of the frequency of such an occurrence. For this reason, the development does not accord with the traffic movement and highway safety aims of Policy 10 of the LP. For the above reasons, the</p>

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						Inspector concluded that the ground (a) appeal fails. The Inspector upholds the enforcement notice and refuse to grant planning permission on the deemed application

TOTAL NUMBER OF DECISIONS: 18

TOTAL NUMBER ALLOWED: 5 (28%)

TOTAL NUMBER DISMISSED: 12 (67%)

TOTAL NUMBER SPLIT DECISIONS: 1