



Appeal Decision

Site visit made on 1 October 2008

by **A D Robinson BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
12 December 2008

Appeal Ref: APP/R4408/A/08/2075996

Land at Oaklea Close, Staincross, Barnsley

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by DJJR Properties against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2008/0208, dated 31 January 2008, was refused by notice dated 25 April 2008.
- The development proposed is the erection of 15 dwellings with associated road.

Procedural Matters

1. The postcode that has provided with the appeal documentation, S71 4ER, is plainly wrong. It belongs to a location in the neighbouring village of Royston. No other postcode has been provided.

Decision

2. I dismiss the appeal.

Main Issues

3. The main issues in this appeal are:
 - (i) The effect of the proposal on the character and appearance of the area; and
 - (ii) The effect of the proposal on the amenity of those living in the neighbouring flats on New Road by reason of visual intrusion.

Reasons

(i) Effect on character and appearance of area

4. The appeal site comprises a rectangular shaped expanse of land which rises steeply from New Road to the south. Although the adjoining land to the north is open, the site lies within a predominantly residential area. New Road is lined by a variety of residential properties ranging from a modern block of apartments to modern detached houses and older small terraced houses. To the east of the site is a spur leading from New Road. This provides access to a group of older dwellings. To the west is a small estate of modern semi-detached houses built around Burnham Avenue and Oaklea Close.
5. The proposal is to erect two rows of terraced houses with integral garages served by a continuation of Oaklea Close, a cul-de-sac. One of the rows, containing eight properties (plots 1 to 8), would be erected towards the

- northern edge of the site, whilst a parallel row of seven properties (plots 9 to 15) would be built closer to the southern boundary of the site.
6. The Council has made no objection to the principle of the site being developed for residential purposes. The site lies within an established residential area which is shown on the Proposals Map of the adopted Barnsley Unitary Development Plan (UDP) as being a housing policy area. The broad thrust of Policy H8 is for such areas to remain in predominantly residential use. However, there other UDP policies, notably BE6, which require proposals to be of a high standard of design which have regard to, amongst other things, context and surrounding land uses. This echoes the national importance placed on achieving a high standard of design in housing developments as set out in Planning Policy Statement (PPS) 3.
 7. I recognise that this part of Staincross has a range of dwelling types, including rows of terraced houses, although most of these are to be found along or immediately adjacent to New Road. Notwithstanding the terraced houses tightly enclosing stretches of New Road and surrounding streets, the locality has a surprisingly open and spacious character because of the space between and around the newer semi-detached and detached houses. As many of these properties occupy land which is elevated well above New Road, this sense of openness and space is particularly noticeable from a number of lower vantage points along New Road.
 8. The Council granted planning permission in July 2005 for the erection of ten dwellings on the site. Consideration of the current scheme has thus to take into account the earlier planning permission. In effect, the earlier planning permission represents the “fall back” position. The previous scheme was for two parallel rows each of a pair of semi-detached houses and a row of three terraced houses. It seems to me that the earlier scheme retained the sense of space and openness found in the area both from the space in and around the dwellings and from the lower density of development being proposed.
 9. The same cannot be said of the current proposal. The two long rows of terraced houses provide little sense of space around them. The loss of openness and space provided by the development would be noticeable within the locality because of the elevated nature of the site when seen from New Road and particularly because of the height of the proposed dwellings. Compared to the earlier scheme, which involved two storey houses, it is proposed to erect much taller houses on plots 9 to 15 in the appeal scheme. The houses on these plots when seen from New Road would, in essence, be three storeys in height.
 10. The length of the rows of houses, the height of the dwellings on plots 9 to 15 and the elevated position of the site would be, in my assessment, make the proposed scheme unduly prominent within the locality. From lower vantage points, the development would dominate the local scene.
 11. In addition, the proposed scheme does not exhibit the high standards of design that should be expected in a new development. In particular, the garage doors dominate the front facades of the houses to a greater extent than is the case with the scheme in July 2005. The large amount of the front facades taken up by the garage doors and the design of the doors, with their panelled

appearance, would make the front facades bland and poorly focused in that attention would be drawn to the garages rather than to the front doors of the properties. By their size, the garage doors would also dominate the much smaller fenestration above ground level. The garage doors on the front of the northern row of dwellings (plots 1 to 8) would be particularly noticeable from parts of New Road and also from the adjoining roads, Oaklea Close to the west and the spur off New Road to the east.

12. The appellant points out that changes in roof levels would help to break up the bulk of the development, but these would not have the same effect as the gaps within the houses provided by the earlier scheme. The appellant also makes the point that PPS3 seeks more efficient use of housing sites, but PPS3 also places importance on the need for a high quality of design in housing developments. The need for higher densities has to be set against developing a site in a way which is in keeping with its surroundings and also in a way which demonstrates a high quality of design.
13. I conclude that the proposal would adversely affect the character and appearance of the area. As such, it is contrary to UDP Policy BE6.

(ii) Effect on residential amenity

14. To the south of the site is an apartment block. Although the block fronts onto New Road, there are a number of windows facing northwards towards the appeal site. I acknowledge that the distance separating the apartment block from the nearest row of proposed houses is much the same in the appeal proposal as in the earlier scheme. I also recognise that the layout of the proposed development is similar to that of the previous proposal, with two parallel rows of dwellings being proposed around an extension to Oaklea Close.
15. However, there is a difference between the two schemes as far as the impact on the outlook of those occupying some of the apartments is concerned. Whereas, the earlier scheme introduced a gap within the dwellings to be built on either side of the extension to the cul-de-sac, the present proposal has unbroken rows of dwellings across the site. The rear of the nearest dwellings to the apartments in the current scheme would essentially be three storeys in height. Given these factors and also the elevated position that the nearest dwellings would occupy vis a vis the apartment block, I consider that the nearest dwellings would dominate the outlook from the apartments to the extent of having an overbearing impact upon the living conditions of those occupying the apartments.
16. I conclude that the proposal would adversely affect the amenities of those living in the neighbouring flats on New Road by reason of visual impact. As such, UDP Policy H8A, which aims to safeguard, amongst other things, the amenity of existing residents.

Alan D Robinson

Inspector