Appeal Decision

Site visit made on 4 August 2008

by P J Asquith MA(Hons) MA MRTPI

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

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Decision date:
13 August 2008

Appeal Ref: APP/R4408/A/08/2072134
Land next to No. 17 Dearne Road, Bolton-on-Dearne, Rotherham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Neil Tuxford against the decision of Barnsley Metropolitan Borough Council.
- The application Ref. 2008/0139, dated 18 January 2008, was refused by notice dated 3 April 2008.
- The development proposed is described as development of land to build one residential house, approximately 48m^2.

Decision

1. I dismiss the appeal.

Main issues

2. I consider the main issue in this case is the proposal's impact on the appearance and character of the locality, highway safety and residential amenity.

Reasons

3. The application was in outline with all matters reserved for subsequent approval, the appellant wishing to establish whether the principle of residential development on the site would be acceptable.

4. The Council indicates that the site is within a designated housing policy area within its Unitary Development Plan (UDP) and is within predominantly residential surroundings. It accepts that the general principle of residential use would be acceptable subject to a proposal satisfying other planning criteria. Once the application had been made, because of its concerns regarding the constricted nature of the site, the Council asked that details of siting and means of access be provided. I am not aware of any formal plans or illustrative details having being provided.

5. The site, at the junction of Wath Road and Dearne Road, is said to measure some 150m^2, is roughly rectangular but curves and tapers towards this latter road. It comprises a currently cleared area of land partially enclosed by wooden fencing adjacent to No. 17 Dearne Road (a modest terraced house to the south) together with a strip of block paving lying between the fencing and Wath Road. At its widest the site is only some 7-8m.

6. As the site does not directly abut No. 17 any dwelling on it would have to be detached whereas the immediate surroundings are characterised by predominantly terraced housing. As already noted, no details or illustrative sketches of how a property might be incorporated on the site have been provided although the appellant has indicated his view that it could be positioned in line with the terrace of which No. 17 forms a part. However, because of the tapering nature of the site it is my opinion that any new dwelling would have to be set back from the junction of Dearne and Wath Roads and could not line through with this terrace. Because of the restricted width of the site and its relationship with the neighbouring terrace to the south, and in the absence of any plans showing how a dwelling might be configured and sited, I have considerable doubts as to whether it would be possible to successfully provide even a modestly-sized dwelling that would not look unduly cramped, incongruous and discordant with its near neighbours.

7. I acknowledge that the site lies to the northern side of No. 17 and its rear garden and therefore problems of overshadowing and loss of light would not arise. Nevertheless, the site is at a slightly higher level than this adjacent house and most of its garden. With the constricted width of the plot it would be likely that any dwelling would closely abut its southern boundary. Even if privacy could be protected through detailed design, I consider it likely that a dwelling could result in a somewhat overbearing and dominant presence close to No. 17. This would detract from the living conditions this latter property's occupiers could reasonably expect to enjoy.

8. The Council indicates that the site is on a classified road where there is a general presumption against the proliferation of individual accesses. It may be possible to provide an access off the narrow service road that runs along the eastern side of the site. However, in the absence of details and because of the limited site width, I am not convinced that it would be possible to accommodate adequate parking and manoeuvring space to allow vehicles to enter and leave in a forward gear. In my judgement, given the site's position in relation to Wath and Dearne Roads, such a requirement would be very important in order not to compromise highway safety. Even if it were possible to provide acceptable arrangements in this regard this may consequentially seriously limit the amount of private amenity space that could be accommodated within the site, to the detriment of the living conditions of the occupiers of a dwelling there.

9. I appreciate the appellant's desire to establish the principle of residential development and outline applications are a means of doing this. Nevertheless, in this case, because of the constricted nature of the site, its relationship with its surroundings and the absence of any supporting details, I am not satisfied that the proposal would accord with the thrust of UDP Policy H8D. This indicates that infill development will only be allowed where it would not harm the local environment and the amenities of existing residents and would not create traffic problems. I therefore conclude that the current proposal is unacceptable.

P J Asquith

INSPECTOR