



Appeal Decision

Site visit made on 1 March 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2022

Appeal Ref: APP/R4408/W/21/3287137 35 Huddersfield Road, Barnsley S75 1DN

- 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 Mr Keith Blackburn against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2021/0806, dated 4 June 2021, was refused by notice dated 23 August 2021.
 - The development proposed was originally described as conversion of existing basement to form 1 bed flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area, having regard to the Huddersfield Road Conservation Area (CA);
 - Whether the proposed development would provide a satisfactory standard of accommodation for its future occupiers, having regard to the provision of internal living space and private outdoor space, outlook and light;
 - Whether or not the proposed development would result in an unacceptable loss of a larger dwelling; and
 - Whether or not it has been demonstrated that the proposal would have an acceptable effect on highway safety, having regard to parking provision.

Reasons

Character and appearance

3. The appeal site relates to the basement of No 35 and is located within the CA. The proposed development involves reducing the width and height of the boundary wall adjacent to Cockerham Lane. The CA does not extend to the opposite side of Cockerham Lane.

4. As there is no appraisal for the CA, the appellant highlights that the Victoria Road Conservation Area Appraisal does not mention boundary treatments. Based on the evidence presented and my site visit observations, the CA is characterised by primarily large 2-3 storey residential buildings constructed of stone. Stone walls and street trees are a common feature. There are examples of lower stone walls and brick walls on Cockerham Lane. However, in this section of the CA to the rear of Huddersfield Road, most buildings had high stone boundary walls, particularly those neighbouring the appeal site.
5. The proposed boundary wall would appear at odds with the established character of the area and would result in the parking area being more conspicuous. In addition, the proposed private amenity space, and associated boundary treatment, would be visible. The fencing associated with the amenity space would appear out of keeping.
6. For these reasons, the proposal would result in an incongruous form of development. The scheme would cause harm to the CA because it would be at odds with the surrounding area and would not respect the character and appearance of the CA. Accordingly, the proposal would fail to preserve or enhance the character or appearance of the CA.
7. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where there is less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
8. Given the scale of the proposal within the context of the CA as a whole, a stone boundary wall would be maintained and there are examples of altered boundary walls, the level of harm would be less than substantial, nevertheless it is of considerable importance and weight. I acknowledge the benefits highlighted by the appellant including that the alterations to the wall seek to improve highway safety through increased visibility. In addition, the proposed development would contribute towards housing supply and provide economic benefits.
9. Based on the information before me, the public benefits associated with the proposed development would be limited and would not justify or outweigh the harm to the CA that I have identified, as required by the Framework.
10. For the reasons given above, the proposed development would cause harm to the character and appearance of the surrounding area and would not preserve or enhance the character or appearance of the CA. Consequently, the scheme would conflict with Policies D1 and HE1 of the Barnsley Local Plan (2019) (LP). These policies seek, amongst other matters, to ensure development is of high quality design which reinforce local character and support proposals which conserve and enhance the significance of the borough's heritage assets.

Living conditions

11. The proposed bedroom would be partially below ground level and would be served by two windows to the side elevation. The bedroom would have poor levels of light and outlook. This is because of the ground levels, distance to the neighbouring property and associated boundary wall and the orientation of the windows. I acknowledge that bedrooms are primarily used for sleeping but that does not justify the poor standard of accommodation.
12. The open plan kitchen/ living area would have a small window on the side elevation and glazing facing the proposed private amenity space. The proposed fencing associated with the private amenity space would be near the main window of the flat. Nonetheless, based on the evidence presented, I am satisfied that the open plan area would have adequate levels of outlook and light due to the extent of glazing and the proposed fence would help to ensure that the parking area is not overly prominent.
13. My attention has been drawn to other planning applications in this regard. They assert that the Council consider it to be acceptable for only one habitable room to have a level of outlook. I do not have the full details of these cases before me to be able to make a comparison. In any event, each application and appeal must be determined on its own merits.
14. It is unclear whether the flat would serve 1 or 2 occupiers. The proposed development would be in line with the nationally described space standards¹ (NDSS) for a 1 bed/ 1 person flat but would be less than that required for a 1 bed/ 2 person flat. However, the Council's local plan policies do not refer to the NDSS.
15. The overall floor area of the flat would measure less than the requirements set out in The South Yorkshire Residential Design Guide (2011) (SYRDG). Nevertheless, the table provides measurements for different rooms, for example bedrooms as well as open plan kitchen, dining and living areas. It is not clear how the overall floor area has been calculated using these individual room sizes.
16. The proposed flat contains a bedroom, kitchen/ living area, bathroom and storage. Although the combined size of the rooms of the flat would be similar to that required in the SYRDG, the kitchen/ living area would fall short of the required 24sqm. Given that the bedroom has poor levels of outlook and light, it is likely that future occupiers would spend a large amount of time in the open plan area. As a consequence of particularly the size of the proposed open plan area, the scheme would result in a poor standard of accommodation as the flat would feel cramped and would not provide adequate space for occupiers' day-to-day needs.
17. The proposed development includes an area of private amenity space. The Design of Housing Development Supplementary Planning Document (2019) (SPD) states that shared private space for flats must be a minimum of 50sqm. The drawings show that the private amenity space area would only serve the proposed flat. To the front of No 35 is an area of amenity space. This area is not private due to its location to the front, next to Huddersfield Road. Therefore, it appears that the existing flats do not benefit from private amenity

¹ Technical housing standards – nationally described space standard (DCLG, 2015)

space, and it would be unreasonable to refuse the application on the basis that the existing flats do not have sufficient private amenity space.

18. The proposed amenity space would be adjacent to the parking spaces which the proposed fencing would help to screen. It would be visible from neighbouring properties and the existing flats within No 35 which is not unusual in an urban area such as this. The amenity space area would not be significantly overlooked because of the linear orientation of the row of properties. Accordingly, having regard to the context of the site and size of the amenity area, the proposed private amenity space would be acceptable and would not be a reason to withhold planning permission.
19. For these reasons, although the private amenity space would be acceptable, the proposed development would result in poor quality accommodation due to the combination of the size of the internal floor area as well as poor levels of light and outlook. Consequently, it would not provide a satisfactory standard of accommodation for its future occupiers and would conflict with Policies GD1 and D1 of the LP. These policies seek, amongst other matters, to support proposals where there will be no significant adverse effect on the living condition and residential amenity of future residents. It would also conflict with the SPD and SYRDG which seek, amongst other matters, to ensure new development provides high standard of light and outlook for proposed residents and fit for purpose in terms of internal and external space standards.

Larger dwelling

20. No 35 was originally a large single dwelling. The building was subdivided into two separate properties (Nos 35 and 35a). Subsequently No 35 was subdivided into two flats. The subdivision of the building has been long established, and the appellant does not own No 35a.
21. The proposed development would not result in the loss of an existing larger dwelling as the building has already been subdivided. Given ownership constraints and the site history of the building, it is unlikely that No 35 would be converted back to a large family home. Based on the information before me, No 35 would require significant adaption if it was converted back to a large family home, internally and externally, due to the current subdivision of the building and lack of private amenity space.
22. For the reasons given above, the proposed development would not result in an unacceptable loss of a larger dwelling. Consequently, in this regard, it would not conflict with Policy H9 of the LP or the SPD which seek, amongst other matters, to resist the loss of existing larger dwellings.

Highway safety

23. Adequate parking spaces are required for the existing flats and the proposed flat. The area to the rear of the building is currently used for parking. The proposed amenity space would reduce this area. The appellant has provided an example parking layout which the Council has not commented on. Based on the evidence presented, I am satisfied that there would be sufficient space to park, turn and manoeuvre within the site.
24. For these reasons, the proposed development would not have an unacceptable impact on highway safety, having regard to parking provision. The reason for refusal in this regard does not refer to local or national planning policy.

Nonetheless, I am satisfied that the proposed development would comply with paragraph 111 of the Framework. This states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Conclusion

25. As set out above, the proposed development would not result in an unacceptable loss of a larger dwelling and would not have an unacceptable impact on highway safety. However, it would cause harm to the character and appearance of the surrounding area, would not preserve or enhance the character or appearance of the CA and would not provide a satisfactory standard of accommodation for its future occupiers to which I attach significant weight. The development would therefore not form sustainable development, as defined by the Framework, given the harm identified.
26. The benefits associated with the proposed development would be small and would not outweigh the deficiencies that would arise as a result of the conflict with the development plan and there are no other considerations that outweigh this conflict.
27. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed.

L M Wilson

INSPECTOR