



Appeal Decision

Site visit made on 2 September 2008

**by Julie Dale Clark BA (Hons) DpTRP MCD
DMS MRTPI**

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

The Planning Inspectorate
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**Decision date:
10 September 2008**

Appeal Ref: APP/R4408/A/08/2074369

Land adj 39 Weetshaw Close, Shafton, Barnsley S72 8PZ

- 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 T Allen against the decision of Barnsley Metropolitan Borough Council.
- The application (Ref 2008/0206), dated 30 January 2008, was refused by notice dated 27 March 2008.
- The development proposed is 1 No 5 bed 2½ storey dwelling.

Decision

1. I dismiss the appeal.

Reasons

2. The appeal site comprises a long area of land to the north-east of No 39 Weetshaw Close. No 39 is a bungalow with windows in the side elevation which would directly face the side elevation of the proposed dwelling. At 2½ storeys high the house would dominate the bungalow and in my view would be overbearing to the occupiers of the bungalow. Also due to the proximity and orientation, some overshadowing would occur in the early mornings.
3. There would be windows in this side elevation (although there is an anomaly in the plans which indicate a window to the master bedroom on the elevations but this is not shown on the floor plans). Windows at ground floor level are in my view, less problematic in terms of privacy as boundary fencing could deal with any matter in this regard. However, given the close proximity of the house to the bungalow, the presence of upper floor windows would result in the occupiers of the bungalow experiencing some loss of privacy. The effect on privacy, light and the overbearing impact of the proposal would be harmful to the living conditions of the neighbours in conflict with UDP policy H8D.
4. The area is characterised by different styles of dwelling and although those immediately adjacent to the south-west are bungalows there are also two-storey houses close by. However, the proposed house would be seen in the context of the bungalows and whilst it is not unusual to see 2 storey houses alongside bungalows, the overall size, scale and massing of the proposed house would appear at odds with the general character and appearance of the street. In my view this would not be consistent with the design standards required by UDP policy BE6 or with Supplementary Planning Guidance 3.

J D Clark
INSPECTOR