The Planning Inspectorate

Appeal Decision

Site visit made on 29 January 2019

by Kate Mansell BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2019

Appeal Ref: APP/R4408/W/18/3215212
16 Moorland Avenue, Barnsley S70 6PQ

- 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 & Mrs Gillott against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2018/1018, dated 7 August 2018, was refused by notice dated 7 September 2018.
- The development proposed is conversion of garage to 1 no. dwelling.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council adopted the Barnsley Local Plan (BLP) on 3 January 2019. As a result, saved policy H8D of the Barnsley Unitary Development Plan and policy CSP29 of Local Development Framework Core Strategy that are cited in the Council's decision notice have been superseded. I am required to determine this appeal on the basis of the development plan that is in force at the time of my decision. The Council advise that they now rely upon Policies GD1 and D1 within the BLP. The appellant has had the opportunity to comment upon their relevance. The appeal has therefore been determined in relation to the policies contained within the BLP.

3. The Council also advise that the Supplementary Planning Document – Designing New Housing Development (New Housing Development SPD) will continue to be used until new SPD's are adopted later in the year. The guidance within it sets out specific criteria that are relevant to this case. It is therefore a material consideration, which I have taken into account in assessing the proposal.

Main Issues

4. The main issues are:

   - The effect of the development on the character and appearance of the area and;
   - Whether the development would be harmful to the living conditions of neighbouring properties with regard to noise and disturbance.

Reasons

Character and appearance

5. Approaching Moorland Avenue from Glenmoor Avenue, the street scene consists of a recent housing development to the left and post-war semi-detached houses to the right, which are angled and modestly set back from the road beyond front gardens with similarly proportioned gardens to the rear. From the appeal site onwards, Moorland Avenue comprises typically detached houses positioned on a broadly consistent building line. They are set back from the road behind low boundary walls with short front gardens/drives and large gardens to the rear.

6. The appeal site is currently part of the generous rear garden of 16 Moorland Avenue. Within it is a large red brick detached garage that is positioned forward of the side elevation of the house but set well back within the garden. The garage is accessed from a long driveway from Moorland Avenue, running adjacent to the flank elevation of No 16, behind a security gate.

7. The appeal proposal would sub-divide the garden of 16 Moorland Avenue by installing a 2m fence that would run in line with the property's south facing flank elevation. The garage would be converted within its existing shell into a 3-bedroom dwelling with the first-floor accommodation within the roof space. The garage doors would be omitted, and the appearance of the building would be modified by the introduction of windows and glazed doors into the front, rear and side walls. A new chimney breast would also be added to the north-west facing elevation.

8. The garage does not sit directly behind No 16 and the proposal would therefore fall outside the specific definition of tandem development within the New Housing Development SPD. However, being sited to the rear of properties on Moorland Avenue, the SPD refers also to backland development, in addition to general principles relating to the requirement to ensure that new development is designed as a considered response to context and character.

9. In this case, the proposed dwelling would be positioned such that the ridge of the roof is broadly in line with the rear boundary of the adjacent houses to the south-east, from 18 Moorland Avenue onward. This significantly set back position from the road and lack of a street frontage would be at odds with the prevailing character of dwellings on Moorland Avenue, which typically address the street behind front gardens. I acknowledge that the houses to the south-east of the appeal site are more informal in arrangement with deeper front gardens and a less consistent building line than those to the north-west. Nevertheless, in my view, they still have a clear street presence and they sit much closer to the road than the appeal proposal would.

10. Also evident would be the contrasting scale of the proposal, being 1.5 storeys in an area that is predominantly characterised by two storey dwellings. I appreciate that the building is already there and its physical presence within the built environment would be unchanged by the proposal. However, by introducing domestic openings and a chimney to accommodate the proposed conversion, its character and appearance would be altered to that of a residential property. Its subsequent position, as a dwelling, so far from the

street frontage would therefore appear 'ad-hoc' and incongruous in this context. Additionally, it would be visible from the rear of surrounding houses.

11. The appellant cites three other developments within the vicinity of the appeal site. Of these, two (noted B and C) form part of a recent housing development served from a cul-de-sac from Moorland Avenue. As a result, they do have a direct road frontage. I acknowledge that site A is positioned to the rear of houses on Daleswood Avenue but I have nothing before me to explain its planning history. It is not, in my view, characteristic of the prevailing pattern of development in this area with houses that typically front the street. In any event, I must assess the appeal proposal on its individual merits.

12. For these reasons, I conclude that the proposal would result in harm to the character and appearance of the area, contrary to Policy D1 of the BLP. This policy seeks to deliver high quality development that respects and reinforces local character. In this regard, it would also conflict with guidance within the New Housing Development SPD, including the requirement to respond to local context.

Living conditions

13. The appeal site presently functions as a garden and large domestic garage with driveway related to one residential dwelling at 16 Moorland Avenue. The appellants' log of existing vehicle movements over an 11-day period indicates that the driveway is presently used on average no more than 7 times a day and I consider this to be a reasonable number of movements associated within a single property. The appeal proposal would also relate to one dwelling. Therefore, it does not seem unreasonable to consider that proposed traffic movements on the driveway would be comparable to those currently.

14. The driveway presently adjoins the rear garden of the neighbouring property at 18 Moorland Avenue, from which it is screened by a fence and planting. As part of the appeal proposal, No 18 would continue to adjoin the driveway, albeit to the new dwelling and the boundary treatment would be retained. Given that vehicle movements from the proposal are likely to be similar to those existing, I am therefore unconvinced that the level of activity generated by the proposal would be so harmful to the living conditions of this neighbouring occupier so as to make it unacceptable.

15. Equally, the neighbouring properties to the rear presently adjoin the garden of the dwelling at No 16. As part of the proposal, they would continue to adjoin a garden space to the new dwelling, from which they would be separated by a 2m high fence and planting to provide screening. Given that the relationship, being garden to garden, would be unchanged, I am not persuaded that the proposal would be materially detrimental to these adjoining neighbours.

16. Therefore, I do not consider that the proposed dwelling would be harmful to the living conditions of neighbouring properties by reason of disturbance from increased residential and vehicular activity. It would therefore be in accordance with Policy GD1 of the BLP, which requires that new development shall not adversely affect the living conditions of existing occupiers.

Other Matters

17. I appreciate that the appellants sought to work positively with the Council, including seeking pre-application advice. I also note that the Council has not raised specific concerns about the effects of the scheme on a number of issues, including the relationship to existing dwellings in respect of privacy or over-shadowing, amenity space and parking provision for future occupiers or flood risk. However, in order to demonstrate compliance with the development plan, these are requirements that would have to be met for any scheme to be acceptable. They are not matters that diminish the harm I have identified in respect of one of the main issues above.

18. I also recognise that the Government seeks to boost significantly the supply of housing. In this regard, the appeal proposal would lie within a built-up area where residential development in this accessible location would be acceptable in principle. However, having considered all matters, in my view, the harm the proposal would cause to the character and appearance of the area outweighs the benefits of providing one extra unit, which would have a minimal impact on the total stock.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

Kate Mansell

INSPECTOR