The Planning Inspectorate

Appeal Decision

Site visit made on 5 February 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2019

Appeal Ref: APP/R4408/W/18/3212436
Site adjacent 197 Brierley Road, Grimethorpe, Barnsley, South Yorkshire S72 8AW

- 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 D Wiles against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2014/1136, dated 23 September 2014, was refused by notice dated 13 April 2018.
- The development proposed is erection of a new detached dwelling along with detached garage.

Decision

1. The appeal is allowed, and planning permission is granted for erection of a new detached dwelling along with detached garage at site adjacent 197 Brierley Road, Grimethorpe, South Yorkshire S72 8AW, in accordance with the terms of the application Ref 2014/1136, dated 23 September 2014 subject to the conditions in the schedule attached to this decision.

Main Issue

2. The main issue in this appeal is the effect of the proposed garage on the character and appearance of the area.

Reasons

3. The appeal site is located between Nos 197 and 199 Brierley Road. No 197 is a single storey dwelling, located at a lower site level than No 199, which is a two-storey dwelling.

4. It is proposed to erect a five-bedroomed property to the side of No 197, which is owned by the appellant. The property would be two storeys in height, but utilise the roof space for additional accommodation. A detached garage would be constructed toward the front of the site.

5. The Council have raised no objections to the dwelling, and the reason for refusal related solely to the detached garage. I have no reason to disagree with this assessment, and therefore I will not address the matter further.

6. The appellant states that a previous application was approved in 1999, which included a garage located in a similar position, but was allowed to lapse. I do not have full details of the case in front of me. In any event, I am required to deal with this proposal on its own merits and such I accord it limited weight as a possible material consideration in this case.

7. The proposed garage would be of a significant size and bulk and would be located to the front of the proposed dwelling. The Designing New Housing Development Supplementary Planning Document (2012) (SPD) states that garages should be sensitively located so the frontage of the new development integrates with the existing street scene.

8. The application was also assessed under Policy CSP29 of the Barnsley Metropolitan Borough Council Core Strategy. However, the Local Plan (LP) was formally adopted in January 2019, and that policy has been superseded by Policy D1 of the LP which states that development should be of high quality and express use through scale, form and proportions.

9. I find that the position of the garage, dug down into the site and located behind planting to the rear and part of the side elevation that would assist in screening it from view, reducing its visual impact. In addition to this, the proposed garage would relate to the main dwelling in terms of finishes. Seen from Brierley Road, the proposed dwelling and garage would be seen within the same design context and the garage would not appear unduly prominent or out of keeping with the street scene. In relation to the proximity of the tree, I note that the specimen is not protected by a Tree Preservation Order, and I am satisfied that conditions could be added to ensure that the tree is protected during construction.

10. I have noted the concerns of the Council in relation to the creation of precedent. However, I am satisfied that any future proposals would be assessed upon their own merits.

11. Consequently, the proposed detached garage would relate harmoniously to this context and would not bring harm to the character and appearance of the area. Accordingly, the proposed detached garage does not conflict with the design aspirations of the National Planning Policy Framework and is consistent with Policy D1 of the LP (2019) and the guidance provided in the SPD, both of which seek to ensure development proposals relate well to their surroundings.

CONDITIONS

12. The Council has suggested a number of conditions, which I have considered accordingly. I have amended some of the wording of those conditions for the purposes of clarity and legibility.

13. I have not imposed conditions 10 and 11 of the Council's list of suggested conditions. Condition 10 is not necessary as drainage details are covered in Condition 4, whilst I consider Condition 12 to be unnecessary and excessive.

14. I have imposed conditions in relation to the commencement of development and that the proposal should be constructed in accordance with submitted plans, in the interests of certainty.

15. Conditions 3 and 5 are imposed in order to protect the character and appearance of the area, whilst Condition 4 is imposed to ensure safe and sustainable drainage for the site. Conditions 6, 8 and 9 are imposed in the interests of highway safety, whilst conditions 7 and 10 are imposed in order to protect the amenities of local residents. Conditions 11 and 12 are imposed to protect trees on site.

CONCLUSION

16. For the reasons given above, the appeal is allowed.

Paul Cooper

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

2. The development hereby approved shall be carried out strictly in accordance with the plans (2014/08/01 Rev A and 2014/08/02 Rev A) and specifications as approved.

3. Prior to the commencement of development, full details of the proposed external materials shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

4. No development shall take place unless and until full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority and no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.

5. Prior to the commencement of development, a plan indicating the position and types of boundary treatment to be erected shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before prior to first occupation of the dwelling hereby approved. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

6. The parking/manoeuvring facilities indicated on the submitted plan shall be surfaced in a solid, bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and be retained for that purpose at all times.

7. Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

8. Pedestrian inter-visibility splays, having the dimensions 2m x 2m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway.

9. Sight lines, having the dimensions 2m x 43m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway.

10. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

    The statement shall provide for:

    i. The parking of vehicles of site operatives and visitors;

    ii. Means of access for construction traffic;

    iii. Loading and unloading of plant and materials;

    iv. Storage of plant and materials used in constructing the development; and

    v. Measures to prevent mud/debris being deposited on the public highway.

11. No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

    i. Tree protective barrier details

    ii. Tree protection plan

12. The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

END OF SCHEDULE