



Appeal Decision

Site visit made on 7 February 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 14 April 2023

Appeal Ref: APP/R4408/W/22/3309002

55 Market Street, Hoyland, Barnsley S74 0ET

- 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 Mr Mick Lopia against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2022/0344, dated 1 April 2022, was refused by notice dated 30 September 2022.
 - The development proposed is described as 'demolition of existing garage outbuilding and erection of 2no semi-detached dwellings and associated works including access from Rother Croft (Outline seeking approval over means of access and layout).'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description on the application form refers to a detached dwelling, however, the Council refer to amendments to semi-detached dwellings. While there is no clear evidence of how this came about, the plans before me clearly show semi-detached dwellings and the appellant's statement explicitly refers to this. Therefore, I have determined the appeal on the basis of the above description as found on the Council's decision notice and the appellant's appeal form.
3. The appeal follows the refusal of an outline application where approval of matters of access and layout were sought. Indeed, the plans clearly show how the site would be laid out and accessed and so I have taken these matters to be the proposal on which the appeal shall be determined.
4. Refusal reason 3 from the Council refers to No 4 Rother Croft. It is clear from visiting the site, that the affected property is No 5 Rother Croft. This oversight has been corrected by the Council in their statement and acknowledged by the appellant in their statement.

Main Issues

5. The main issues are:
 - The effect of the proposal on the character and appearance of the area.
 - The effect of the proposal on the setting of the host property, and the living conditions of the occupiers with regard to outlook and garden space; and

- The effect on the living conditions of the occupiers of No 5 Rother Croft with regard to privacy and sunlight.

Reasons

Character and appearance

6. The appeal site is a large, corner plot on the junction of Market Street with Rother Croft, where access to the site is located. The host property is a detached, double-fronted, stone built, period house, which stands well back from Market Street. It has a two-storey rear return with both two-storey and single storey extensions.
7. The house is surrounded by garden on all sides, with the proposal site being a roughly rectangular area of garden land to the rear. This lies between the host property and No 5 Rother Croft and stretches from the frontage on Rother Croft to the rear boundary. It includes a large, detached, stone-built garage, which it is proposed to demolish.
8. The four parking spaces located at the front of the site are considered by the appellants to provide a similar parking arrangement to that found at Rother Croft. This is a small cul-de-sac of modern, mainly brick-built, detached, two storey houses.
9. Whilst a feature of Rother Croft is parking at the front of the site, this is broken up, in part by boundary walls, hedging or lawns. The appeal site would, however, result in a wide frontage with a large open area of parking, in contrast to the traditional stone boundary wall that frames the current entrance way that I saw when I visited the site. This layout, required to provide parking and access would, however, mean that there is insufficient room for appropriate landscaping in this location. The extensive frontage, particularly when it is dominated by parked cars, would appear very open and detrimental to the visual harmony of the area.
10. The proposed plots would be in a similar alignment to the front building line of No 5 Rother Croft, whilst set back from the side extensions on the host property. Although it has been noted that there are a variety of house types within the area, detached housing is the prevalent house type in the immediate vicinity of the site. The proposed layout shows semi-detached properties.
11. Whilst semi-detached housing frequently sits alongside detached, two houses in a limited plot width would appear cramped. This is despite providing garden areas to the rear which would exceed the requirement of the Council's Design of Housing Development Supplementary Planning Document (SPD), 2019. This would likely appear more so because of the size and robust nature of the host dwelling, and indeed by the solid nature of the more modern properties within Rother Croft. Smaller dwellings would not be comparable with adjoining housing, and it would result in a pattern of development which would not be characteristic of that found in the area. Whilst the site is not in a Conservation Area, or has any other statutory designations, the siting of two houses in this location would cause harm to the character and appearance of the area.
12. Therefore, the proposal would not accord with Barnsley Local Plan (LP), 2019, Policy GD1 which requires development to be compatible with neighbouring land, and Policy D1 which seeks high quality design and place making. In addition, it would not accord with both the Council's SPD which in particular

seeks 50/50 soft to hard landscaping on building frontages, and paragraph 130 of the Framework.

Effect on host dwelling and occupiers

13. Policy H9 of the LP requires development within the curtilage of larger dwellings to be resisted where it has an adverse impact on their setting and the size of the remaining garden area. The appeal site is at the rear of No 55, the host property, and is considered by the appellant to be a surplus area of garden.
14. The proposal would be built parallel to the rear elevations of the house. Although there is some disagreement as to where distances should be measured to, it would be 9 metres from the rear two storey extension on the host property, with the Council's SPD recommending 12 metres between dwellings. Despite this, the distance between the rear of No 55 and the pair of dwellings, would provide a reasonable gap which would not appear overbearing to the occupiers of No 55. This, combined with the extensive area to the front of the house, plus the space around the building derived from it being in a corner plot, would mean that the proposal site could be developed without having an adverse impact on the setting of the host.
15. Whilst the garden area would be reduced in size, I saw at the time of my visit that this rear area has little privacy and appears largely unused. Although the front garden does not provide private garden space either, other space to the rear and side of the site would ensure that a reasonable amount of private garden space would be retained for No 55.
16. Although it has been contended that the amenity and outlook of No 55 is a matter for the applicant themselves, any development must ensure a high standard of amenity for both existing and future users. Concerns have been identified regarding windows on the rear elevation of the host property which could result in overlooking of the rear of the pair of dwellings. It has, however, been suggested that these concerns could be overcome by the use of a planning condition to remove or block up the windows on this elevation of the host dwelling. As the host property and the development site are owned by the appellant, this could be achieved by a Grampian condition ensuring that this is done prior to development or occupation. This would ensure that the living conditions of the host property are not harmed by development adjacent to them. Although the outlook of the rear rooms would be changed through the loss of windows, alterations could be made. The scale of the site, and the size of the building, would continue to provide adequate outlook throughout the house.
17. In conclusion, the living conditions of the occupiers of the host property, with regard to outlook, and garden space would not be harmed by the proposal, and the setting of the host property would be maintained. It would accord with LP Policies GD1 and H9, and the SPD in this regard.

Effect on living conditions of No 5

18. No 5 Rother Croft has to the rear, a sizeable single storey garden room with clear glazing and a large rooflight on the elevation adjoining No 55. This is located a short distance from the boundary between the two properties. As the land slopes downwards from Market Street to Rother Croft, the proposal site is

higher than No 5 which in figures provided by the parties differs from being both 400mm and 800mm higher.

19. As an outline application with no indicative drawings of scale, it is not possible to be certain over the degree of any overlooking that a dwelling, which in this case would be plot 2, would have over the occupiers using the garden room of No 5. I noted that the existing garage at No 55 which would be demolished, does at present provide a degree of privacy over the garden room and the rear garden area. However, without this, and the differences in ground level, the privacy of No 5 is likely to be harmed.
20. The position of the proposal in relation to the garden room at No 5 would also have the potential to result in a loss of sunlight to the garden room and the rear garden area. This, again, would be exacerbated by the difference in height between the two sites and the effect that housing on the site would cause. Although the appellant considers that as the application only relates to matters of access and layout, overshadowing should not 'bear much weight' at this stage, it has not been demonstrated that a pair of dwellings of an appropriate design could be built without affecting No 5. Therefore, I conclude that the proposal would harm the living conditions of the occupiers of No 5 Rother Croft with regard to privacy and sunlight and would not accord with LP Policy GD1 and the SPD.

Other Matters

21. Paragraph 60 of the Framework states the government's objective to boost the supply of homes, whilst paragraph 69 advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. In addition, LP Policy H4 allows residential development on small non-allocated sites below 0.4 hectares where the proposal complies with other relevant policies in the plan. There is no disagreement between the parties that residential development on this site could be acceptable. However, despite the site being located close to Hoyland town centre, which is a priority area for housing growth, and close to amenities and transport links, it would only provide a modest contribution to housing in the area. Therefore, I attribute this limited weight.
22. Whilst the proposal has not identified issues in relation to flood risk, land stability, damage to trees or habitats or any technical objections, these are neutral matters.

Conclusion

23. While harm to the living conditions of the occupiers of No 55 could be mitigated, this is a neutral matter. The other harms bring the proposed development into conflict with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and that warrant a decision other than in accordance with the development plan.
24. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR