



Appeal Decision

Site visit made on 24 May 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 9 August 2022

Appeal Ref: APP/R4408/W/21/3287058

R/O No 109 Barnsley Road, Wombwell, Barnsley S73 8JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Philip Pearce against Barnsley Metropolitan Borough Council.
 - The application Ref 2021/0791, is dated 23 May 2021.
 - The development proposed is a new bungalow.
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Decision

1. The appeal is dismissed and planning permission for the 'new bungalow' is refused.

Preliminary Matters

2. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council has submitted an appeal statement which sets out its objections. As this concerns the matters of dispute with the appellant, it forms the basis of the main issues in this case.

Main Issues

3. The main issues are:
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to privacy and disturbance by noise and activity;
 - whether the proposal would provide suitable living conditions for the future occupiers of the development in terms of outlook and privacy; and
 - the effect of the proposal on highway safety, refuse collection and fire safety.

Reasons

Living conditions of the occupiers of neighbouring properties

4. The site sits in a residential area, surrounded by mainly two storey terraced properties. The appeal site and proposed position of the bungalow consists of an overgrown part of the rear garden of 109 Barnsley Road. This garden is quite secluded and in a relatively quiet area. The site's boundaries are a mix of relatively high brick walls and fences, some of which are in a dilapidated condition. There is a narrow unadopted private driveway known as John Close

which runs from John Street to the back of the Barnsley Road properties. It provides access to the rear of these properties, their gardens and some parking/garages as well as the appeal site. It also provides access to a detached bungalow at 1 John Close, which has been built in the rear garden of 117 Barnsley Road.

5. The proposal would consist of the construction of a new two to three bedroom bungalow with a 30 degree pitched roof. It would be accessed along John Close and would have a front parking and turning area.
6. From my site visit, only the properties to the front of the proposal, 107a, 107, 109 and 111 Barnsley Road and their associated gardens and garages, would be close enough to potentially affect or be affected by the proposal. As such I have focussed my decision on these properties.
7. Although the proposal would be quite a modest addition, the introduction of parking to its front would result in an increase in the residential activity and vehicular movements close to the rear of the existing properties and adjacent gardens. This would result in an associated increase in noise and disturbance to this relatively quiet rear area of the houses. This would harm the living conditions of the occupiers of the existing properties.
8. To ensure an adequate level of privacy for new dwellings, the Barnsley Local Plan Design of Housing Development Supplementary Planning Document 2019 (SPD) and the South Yorkshire Residential Design Guide 2011 (SYRDG), amongst other matters, recommend that a minimum back-to-back dimension between facing habitable rooms of 21 metres be provided. The Council estimate there would be a gap of 15-17m from the rear of Nos 107 and 109 to the proposal and note that this would result in a loss of privacy to the occupants. However, in this particular case, based on my site visit, even though the separation would be less than that stipulated by the SPD and the SYRDG, due to the single storey nature of the proposal combined with the boundary wall screening, there would not be direct views into the existing properties at either ground or first floor levels. Consequently, the neighbouring occupant's privacy would not be harmed.
9. Based on the above, although I do not find harm to occupants of the neighbouring properties with respect to privacy, I do find harm with respect to disturbance from noise and activity. This would be contrary to Barnsley Local Plan 2019 (Local Plan) Policy GD1 which seeks, amongst other matters, to ensure new development makes a positive contribution and does not adversely affect living conditions of existing residents.

Living conditions of the future occupiers

10. In relation to future occupiers, due to the elevated level of the existing properties' first floor windows, based on my site visit, overlooking of the boundary wall from Nos 107a, 109 and 111 into the proposal's front area and front windows would be possible. Details of the first floor rooms and separation distance have not been confirmed, however, in all likelihood many of these would be habitable rooms and sufficiently close to allow overlooking with associated loss of privacy to the future occupants. In this case, provision of the recommended separation distances as set out in the SPD and the SYRDG would be required to prevent harm.

11. Whilst the front separation may not be sufficient to prevent harm from overlooking, it would be sufficient to prevent the existing properties being overbearing. With the gap between 107a and 109, the proposal's front outlook would be reasonably open. There would therefore, not be an unacceptable impact on the outlook enjoyed by the future occupiers.
12. In conclusion, while I do not find harm to the living conditions of the future occupants of the proposal with respect to outlook, I do find potential harm to privacy. This would be contrary to Policy GD1 of the Local Plan and guidance within the SPD and SYRDG. This policy and guidance, amongst other matters, seeks to ensure new development makes a positive contribution and does not adversely affect living conditions of future residents.

Highway safety, refuse collection and fire safety

13. The driveway which allows access to the appeal site is approximately 60 metres long and narrow, typically being 3.0 metres wide. Its width reduces to approximately 2.1 metres over its last 5 metres immediately before the appeal site. The driveway is already extensively shared by a number of existing properties for the parking of cars and pedestrian access.
14. While the increase in traffic from the proposal would be modest, it would increase pedestrian and vehicular movements along the driveway and the potential traffic conflicts which, in all probability, already exists. The driveway would not meet many of the recommendations detailed in the SPD and SYRDG, including being greater than 20 metres in length, narrower than 3.3 metres and not providing any passing or turning areas. Details of how vehicles within the proposal's front area would turn and how adequate sightlines would be provided have also not been confirmed. On this basis the proposal would increase pedestrian and vehicular conflict on the driveway and harm highway safety.
15. Furthermore, the proposal provides no local authority waste collection strategy. The driveway is very narrow and has no turning area which would prevent use by a refuse vehicle. The length of the driveway exceeds that recommended for 'man carry distance' and no details of how a suitable refuse collection strategy would work has been submitted. The proposal therefore fails to demonstrate that waste collection could be satisfactorily provided.
16. Similarly, the driveway would not permit emergency fire appliance access as it does not meet the recommended requirements set out in the SYRDG. While the appellant has proposed to install a fire hydrant on the site, no details of the suitability of this as an alternative fire strategy has been provided. The proposal therefore fails to demonstrate that fire safety could be satisfactorily provided.
17. In conclusion, I find the proposal would harm highway safety to the private driveway and it has not been demonstrated that suitable fire safety and refuse collection could be achieved. This would be contrary to Policy T4 of the Local Plan and the SPD and SYRDG. This policy and the guidance documents, amongst other matters, seek to ensure new development provides safe, secure and convenient access and movement.

Other Matters

18. While it is acknowledged that there is a similar detached bungalow at 1 John Close, this is not directly comparable to the appeal proposal. This example is considerably closer to the main road and has a greater separation to No 117, the property opposite. Overall, the example does not change my view on the harm and uncertainty I have identified.
19. The appellant raises concerns about the Council's handling of this application however these are matters between the appellant and the Council. Furthermore, the appellant has indicated a willingness to make changes to the proposal to accommodate any comments from the Council. However, such matters are outside the scope of this appeal which has focussed on the details of the proposal as submitted at the time of the planning application.

Conclusion

20. For the reasons given above, the development would conflict with the development plan as a whole and I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR