The Planning Inspectorate

Appeal Decision

Site visit made on 10 January 2012

by Richard Clegg BA(Hons) DMS MRTPI

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

Decision date: 31 January 2012

Appeal Ref: APP/R4408/A/11/2163738
Adjacent to Stanley Mill House, Talbot Road, Penistone, South Yorkshire, S36 9ED

- 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 C Ward against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2011/0655, dated 25 May 2011, was refused by notice dated 4 October 2011.
- The development proposed is a detached house.

Decision

1. The appeal is allowed and planning permission is granted for a detached house adjacent to Stanley Mill House, Talbot Road, Penistone, South Yorkshire, S36 9ED, in accordance with the terms of the application, Ref 2011/0655, dated 25 May 2011, subject to the conditions in the attached schedule.

Procedural matters

2. The appeal site forms part of an area of land which provides amenity, drying and parking space for certain dwellings in the adjacent terrace at Nos 75-81 Talbot Road. This land includes two garden areas and a grassed area at the western end, which is used in part for clothes drying. All of this land and Nos 75-79 Talbot Road are owned by the appellant. His statement explains that the tenants of these three houses have joint use of the open space, and that the occupiers of No 81 have a right to use the drying area. There is parking space outside Nos 75 and 77 for those houses. On the southern boundary of the site is a garage, which the appellant explains that he uses for storage: the Council refers to the garage as being used by No 79, but it has submitted no evidence to support this contrary view about the appellant's own property.

3. Prior to determination of the planning application, an additional drawing was submitted including a section across the appeal site and a plan showing the arrangement of separate amenity space for the adjacent dwellings at Nos 75-79 Talbot Road. This layout would preclude vehicular access to Nos 75 and 77, but the appellant explains that this plan shows a notional subdivision to demonstrate the adequacy of garden areas, and that it was intended to retain shared use of the land.

4. The amenity space plan was submitted at the request of the Council without any covering letter, and it is not endorsed as being indicative. It is clear from the Council's report that this plan was taken into account as part of the overall proposal when the planning application was considered. I must consider the

proposal which was before the Council, and accordingly I have taken the amenity space plan into consideration as part of the scheme for the land adjacent to Stanley Mill House.

Main Issues

5. I consider that the main issues in this appeal are:

(i) The effect of the proposed development on the living conditions of nearby residents, with regard to the provision of amenity and parking space.

(ii) The effect of the proposed development on highway safety and the movement of traffic on Talbot Road.

Reasons

Living conditions

6. The appellant calculates that the proposal would result in the loss of 280m^2 of garden space, leaving 360m^2. These dimensions have not been disputed by the Council. Supplementary Planning Guidance Note 2 (SPG2)[1] explains that a private garden area of 60m^2 for family dwellings (generally those with three or more bedrooms) is usually the minimum requirement, whereas for non-family dwellings (generally those with one or two bedrooms) an area of easily accessible shared open space may be more appropriate. I have read that two of the three houses at Nos 75-79 have two bedrooms, and I saw that they each have small areas of external space within their individual curtilages. Having regard to the provisions of SPG2, there would be a sufficient area of land remaining to the south of Nos 75-79 Talbot Road, following separation from the appeal site, to provide amenity space for the three dwellings plus an additional drying area. If this land were sub-divided in accordance with the amenity space plan, the size and configuration of the separate areas would also be adequate. The area annotated for No 75 incorporates space used for clothes drying at the western end of the land. It is larger than the other two areas, and I am satisfied that it would be of sufficient size to accommodate the shared drying area without detriment to the living conditions of the occupants of No 75.

7. The area of amenity space shown for No 79 would be adjacent to Talbot Road and the front garden of the new house, and the Council argues that it would have little privacy. However it would be in a similar position to one of the existing garden areas in the shared amenity space, and Talbot Road is not a busy route. The principal windows in the proposed dwelling would face towards Talbot Road and down the rear garden towards the drying area: consequently I do not consider that the position of this house would result in a loss of privacy for the occupants of the nearby terrace.

8. The separate areas of amenity space are shown extending up to Nos 75-79 Talbot Road across the line of the existing access track. It is not uncommon in such situations involving terrace properties for pedestrian access to be available across intervening gardens, and, as the appellant controls the land concerned, I anticipate that pedestrian access could be maintained to this side of Nos 75 and 77. However, the scheme before me would preclude vehicular access to these houses. Whereas there is currently a parking space outside

[1] SPG2 – The Design and Layout of New Housing

both No 75 and No 77, implementation of the amenity space plan would require the occupants to leave their cars elsewhere. The appellant has no objection to a condition requiring the provision of up to two parking spaces: in the context of the amenity space plan these could only be provided on the area identified for No 79 which is adjacent to Talbot Road. This would be the smallest parcel of amenity space, and I consider that it could only accommodate one parked vehicle without unacceptably reducing the area available for other external domestic activities.

9. A single parking space on the amenity space identified for No 79 could reasonably be expected to be for the use of the occupiers of that house, and parking displaced from outside Nos 75 and 77 would, therefore, be likely to take place nearby on Talbot Road. Traditional terrace properties often have no parking space and residents cannot necessarily park outside their houses. Here, the loss of well-positioned parking spaces for the two houses would cause some inconvenience to the occupants. Policy H8A of the Barnsley Unitary Development Plan (UDP) requires, amongst other matters, that the layout of new dwellings in residential areas should maintain the overall standards of residential amenity for existing residents to an acceptable level. Policy H8D, which addresses infill residential development, requires that proposals should not harm the amenities of existing residents. The accompanying justification, which must be read with the policy itself, explains that development will not be allowed which would materially harm the amenities enjoyed by existing residents. I do not consider that the inconvenience due to parking being somewhat further from two houses would be so great as to materially harm the amenities of the occupants, but rather that, in accordance with Policy H8A, their overall standard of amenity would be maintained to an acceptable level.

10. I conclude that the proposed development would not unacceptably worsen the living conditions of nearby residents insofar as the provision of amenity and parking space are concerned.

Highway safety and traffic movement

11. There would be parking space within the appeal site for the occupants of the new dwelling, which could be secured by a condition. At present there is no off-street provision for No 79 Talbot Road, but a vehicle could be accommodated within the amenity area proposed for this property and the parking space could also be appropriately secured by a condition. I have already referred to the loss of the existing parking spaces for Nos 75 and 77 (above, para 8). In the light of the above, I expect that implementation of the amenity space plan would result in a net loss of one parking space.

12. Talbot Road is not a main road. This stretch is unadopted and poorly surfaced, necessarily reducing vehicle speeds. The road is not narrow, and I saw that the presence of some parked cars does not interfere with traffic movements. In these circumstances, I do not consider that the presence of an additional parked vehicle on Talbot Road would create highway safety problems or adversely impact on the efficiency of the highway. The proposal would not, therefore be contrary to Policy CSP 26 of the Barnsley Core Strategy, nor the objectives of SPG32, which sets out maximum parking guidelines. I conclude that the proposed development would not reduce highway safety nor adversely affect the free movement of traffic on Talbot Road.

Other matters

13. The appeal site comprises residential amenity space, and is not, therefore, previously-developed land as defined in Planning Policy Statement 3 (PPS3) – Housing[2]. Whilst PPS3 encourages the re-use of previously developed land for housing, it does not preclude the development of land which does not fall within this category. I have found that there would be no unacceptable effect on living conditions arising from the development of the site, and I agree with the view expressed in the Council's report on the planning application that the proposed house would be in keeping with the street scene. The use of land which is not previously-developed is not a reason to withhold planning permission for the appeal proposal.

Conditions

14. I have already referred to conditions concerning the provision of parking spaces for the proposed and existing houses. To ensure that the development would be in keeping with its surroundings, material samples for the house should be approved by the local planning authority. There is nothing before me to indicate that the appeal site is in a sensitive location, and I see no need to require the submission of construction details of the windows, front door and their surrounds. The Council's suggested condition also refers to gateways, splayed walls and piers, but such works are not referred to in the submitted plans. On this small-scale scheme for a single dwelling I do not regard a full landscaping scheme as necessary to safeguard the character and appearance of the area, but in the absence of details of boundary treatment a scheme covering such work should be submitted for approval. The Council also suggests a condition restricting permitted development rights for extensions and alterations to the new dwelling. Circular 11/95 makes it clear that such conditions should only be imposed in exceptional circumstances. The dwelling would be set back from the northern boundary beyond the access, and it would be in line with No 69 to the south: given the relationship with existing properties there is no need to restrict permitted development rights. In the interest of highway safety, details of parking and materials storage during the construction period should be submitted for approval. Finally, it is important that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

Conclusion

15. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Richard Clegg

INSPECTOR

[2] PPS3 refers to private residential gardens as being excluded from the definition of previously-developed land. The joint amenity space to the south of Nos 75-79 Talbot Road is an equivalent use of land.

Schedule of Conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing entitled *Proposed detached house in Talbot Road, Penistone for Mr C Ward*, received by the Council on 27 May 2011 and comprising a 1/1250 scale location plan, a 1/500 scale site plan[3], floor plans, elevations and a section; and the A4 drawing entitled *Proposed dwelling, Talbot Road, Penistone*, received by the Council on 2 September 2011, and comprising a plan showing amenity space arrangements for Nos 75-79 Talbot Road and a section across the site.

3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted 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 until a scheme of boundary treatment has been submitted to and approved in writing by the local planning authority. The house hereby permitted shall not be occupied until the boundary treatment has been carried out in accordance with the approved details.

5) The house hereby permitted shall not be occupied until space has been laid out within the site for the parking and manoeuvring of vehicles in accordance with details to be submitted to and approved in writing by the local planning authority. This area shall be retained for the passage and parking of vehicles.

6) No development shall take place until a scheme for parking space on the land between the site and Nos 75-79 Talbot Road has been submitted to and approved in writing by the local planning authority. The dwelling hereby permitted shall not be occupied until parking space has been provided in accordance with the approved scheme. This area shall be retained for the passage and parking of vehicles.

7) No development shall take place until arrangements for parking and the storage of plant and materials during the construction period have been provided in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The approved arrangements shall be retained for the duration of the construction period.

[3] On this drawing the 1/1250 location plan is referred to as a site plan and the 1/500 site plan is referred to as a block plan.