The Planning Inspectorate

# Appeal Decision

Site Visit made on 15 June 2021

**by Mr M Brooker DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 July 2021**

**Appeal Ref: APP/R4408/D/21/3270297**
**Brocklehurst, 1 Spring Lane, Carlton, Barnsley S71 3EX**

- 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 Mrs Lynn Wood against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2020/1462, dated 22 December 2020, was refused by notice dated 15 February 2021.
- The development proposed is a described as a detached garage

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposed development on:

   i. The character and appearance of the area, including the appeal property and the setting of the adjacent Conservation Area.

   ii. The living conditions of the future occupiers of the adjacent, as yet unbuilt, dwelling.

## Reasons

Character and appearance

3. Barnsley Local Plan (the LP) Policies D1 and HE1 amongst other matters require that new proposals be of a high-quality design that respect and reinforce local character and heritage.

4. This part of Spring Lane consists of detached properties of a variety of styles set within appropriately sized plots. I saw at the site visit that the front gardens and the set back of the dwellings from the street is one defining characteristic of this part of Spring Lane.

5. The appeal scheme would introduce built development, in the form of a detached dwelling into the currently undeveloped front garden of the appeal property. Therefore, the proposed garage would be distinctly and noticeably forwards of other development on this part of Spring Lane.

6. Paragraph 8.25 of the House Extensions and Other Domestic Alterations Supplementary Planning Document (the SPD) clearly details that "in most cases, it will not be appropriate for a garage to be sited between the house and

the road". The SPD, while not part of the Development Plan nonetheless provides further guidance on particular issues and is a material consideration in the determination of the appeal.

7. As a result of the siting of the proposed detached garage forwards of the dwelling and clearly established building line, in an otherwise undeveloped front garden area, it would appear as prominent and incongruous feature harming the character and appearance of the area and the appeal property.

8. The site would be in the setting of the adjacent Conservation Area (CA) within which there are a number of high-quality historic buildings. The adjacent site benefits from planning permission for residential dwelling and the evidence before me shows that the neighbouring dwelling would retain the characteristic set back from the road and front garden. Due to its prominence, form and position near to the road, 1 Spring Lane makes a positive contribution to the setting of the CA. The scheme would remove the characteristic set back of development from the road, and the proposed garage would be visible from the public realm within the CA. resulting in harm to the character and appearance of the area including the setting of the CA.

9. In relation to the test concerning the level of harm as it applies to designated heritage assets under the National Planning Policy Framework (the Framework), based on the reasons I have set out above, 'less than substantial' harm to the significance of the CA would arise. There are no public benefits that have been put to me that would outweigh this harm.

10. I conclude that the proposal would have an unacceptable impact on the character and appearance of the area, including on the setting of the CA. As such, it would not comply with Policies D1 and HE1 of the LP.

Living Conditions

11. At the time of the site visit the site adjacent to the appeal property was not developed. I note the planning permission has been granted for the development of this site for housing. The evidence before me shows a dwelling to be built adjacent to the appeal property, to the east of the proposed garage.

12. The submitted plans show that the eaves of the proposed garage would be some 2.35m high and the full height of the garage would be approximately 3.6m high. As a result of the separation of the location of the proposed garage in relation to the future dwelling and the orientation of the site I am satisfied that the appeal scheme will not have an unacceptable adverse impact on the living conditions of the future occupiers of the adjacent residential development.

13. In this respect, the appeal scheme is not contrary to LP policy GD1 that amongst other matters seeks to protect the living conditions of existing and future residents.

**Other Matters**

14. I note that the appeal scheme has been reduced in size from a previously refused scheme, in particular in respect of ridge and eves height. For the reasons detailed previously this does not outweigh the harm I have found in respect of the character and appearance of the area and the CA.

15. The appellant refers to the retention and improvement of the existing front boundary hedge treatment. The use of soft and hard landscaping can soften the effect of new development. However, on the basis of the evidence before me, as a result of the size, scale and location of the appeal scheme the improvement of landscaping in this instance will not adequately mitigate the harm I have identified previously.

16. The appellant details that materials used in the proposed garage would match with the existing dwelling. The use of appropriate materials can greatly assist in the assimilation of a new development into the local area but it does not outweigh the harm I have previously identified.

**Conclusion**

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

*Mr M Brooker*

INSPECTOR