



Appeal Decision

Site visit made on 17 June 2024

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2024

Appeal Ref: APP/R4408/D/24/3343329

12 Badsworth Close, Wombwell, Barnsley S73 0YR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Raymond Law against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref is 2024/0026.
 - The development is described as: 'retrospective planning application for the construction of carport forward of the principle elevation.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw during my site visit that the development has been carried out and the carport has already been constructed at the appeal site. Therefore, I have considered the appeal on the basis that planning permission is being sought retrospectively.
3. Following the Council issuing its decision, the Council's 'Supplementary Planning Document: House Extensions and Other Domestic Alterations' adopted in 2019 (SPD 2019) was revised in March 2024 (SPD 2024). The Council has confirmed that the guidance within the SPD 2024 that is most relevant to the appeal has not substantively changed from the previous version. As such, I have had regard to the revised SPD 2024.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of the occupants of No 14 Badsworth Close (No 14) with particular regard to outlook.

Reasons

Character and Appearance

5. Badsworth Close is a residential cul-de-sac. The appeal dwelling (No 12) forms one half of a semi-detached pair within a row of semi-detached and detached single storey bungalows. The bungalows share similar characteristics in terms of their scale, gabled and hipped pitched roof forms with brick facades and tiled roofs. They each have different shaped front garden areas set along one side of

- the turning head. The opposite side of the turning head contains shrub and tree planting set behind a post and rail fence. Apart from low-level means of enclosure around some of the gardens, the front gardens are open and consist of driveways and/or soft landscaping. These characteristics make a positive contribution to area's spacious and cohesive street scene.
6. The carport sits in an angled position to the front of No 12 and forward of the neighbouring dwellings to either side (Nos 8 and 10). There are no other similar carports or other outbuildings within the frontages to the properties in this part of Badsworth Close. Even accounting for its open sides, the shallow pitched roof and the materials, both of which contrast with the form and appearance of the host dwelling, do not relate sympathetically to the cohesive character or appearance of the locality. Together with its prominent location within the frontage of the host dwelling, the development appears incongruous amongst the generally open frontages which characterise the street.
 7. Either side of the carport is a low-level panelled fence between brick piers which share front garden boundaries with No 10 and No 14. There is also an existing tree located immediately adjacent to the carport. However, these features provide limited screening from public vantage points and do not negate the harm identified.
 8. I conclude that the development has had a harmful effect on the character and appearance of the area. In this regard, the development conflicts with Policy D1 of the Barnsley Local Plan (2019) (LP) which expects development to be of a high-quality design and to respect and reinforce the distinctive, local character and other features of Barnsley.
 9. The design of the car port also conflicts with the guidance in the SPD 2024 which advises that outbuildings should relate sympathetically to the main dwelling in style, proportions and external finishes. The appellant suggests that the SPD 2024 is not relevant as it does not explicitly refer to carports. A carport is akin to an outbuilding and in any case, the development conflicts with the character and appearance requirements of the LP. It is also contrary to the National Planning Policy Framework (2023), insofar as it requires planning decisions to ensure that development establishes or maintains a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live.

Living conditions

10. The front gable of No 14 contains two windows with main outlook across its own front garden/driveway area. A window is also located on its side elevation which directly faces the side elevation of the appeal dwelling and so the outlook from this window is already partially compromised.
11. The carport is located to the side rather than in front of No 14 and is only visible in oblique views from these windows. I observed on my site visit that views through the carport are achievable given the eaves height of the carport being above the top of the neighbouring windows. Consequently, the carport does not have an overbearing impact and an acceptable outlook is provided for the occupiers of No 14.
12. I conclude that the development has not has a harmful effect on the living conditions of the occupiers of No 14 with particular regard to outlook. In this

regard, the development complies with Policy GD1 of the LP which requires development to have no significant adverse effect on the living conditions of existing residents. There would also be no conflict with the relevant parts of the Framework that seek a high standard of amenity. A lack of harm in respect of living conditions, however, does not alter my finding on the first main issue.

Other Matters

13. The appellant has stated that the carport is not dissimilar to a door canopy or front porch which could be constructed under permitted development rights. There is no detailed evidence before me to demonstrate that a proposal with a similar or greater impact would meet the limitations and conditions set out in the permitted development legislation. I cannot be certain therefore that the alleged fallback would have similar or worse effects on the character and appearance of the area than the appeal scheme. I therefore attach very limited weight to this matter. In any event, I have determined the appeal on the basis that planning permission was required and sought for the development that has been carried out.
14. My attention has been drawn to a Council decision to approve a planning permission for a carport to the front of 14 Mortimer Road, Cubley. From what I have seen, the circumstances in that case are not usefully comparable, including in respect of the characteristics of the locality. Even if structures have been approved within front gardens elsewhere, I have considered this appeal on its own merits and the site-specific circumstances.

Conclusion

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

H Marriott

INSPECTOR