

BARNSLEY METROPOLITAN BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY MR R CROSSFIELD

264 DODWORTH ROAD, BARNSLEY, SOUTH YORKSHIRE, S70 6PN

**APPEAL STATEMENT SUBMITTED
ON BEHALF OF THE LOCAL PLANNING AUTHORITY**

**LPA REF: 2024/1023
PLANNING INSPECTORATE REF: APP/R4408/W/25/3370772**

Introduction

This appeal is against Barnsley Metropolitan Borough Council for non-determination of the application. The appellants statement of case raises one new issue not referenced within the documentation submitted as part of application 2024/1023. This relates to references made to a 'recent site given approval at Dodworth Road, namely Grosvenor Walk, in excess of 30 properties'. This site is located approximately 800m to the north-east and relates to planning application 2010/1098 and will be discussed in the relevant section below.

The Councils Statement of Case below will address all relevant material planning considerations.

The Site and its Surroundings

The application site is located to the south of residential dwellings fronting Dodworth Road and to the west of properties fronting Hunters Avenue. It comprises of a detached bungalow and its associated curtilage, with access taken via a long private driveway situated between Nos. 262 and 266 Dodworth Road.

Within the site, there are areas of hardstanding to the front of the bungalow, along with several outbuildings positioned towards the eastern boundary. Mature trees are present within the red line boundary, predominantly along the eastern edge.

The surrounding context includes predominantly two-storey, inter-war semi-detached dwellings to the north, and larger detached properties to the east. To the west, the site adjoins rear gardens of neighbouring dwellings, while to the south it borders open fields.

Dodworth Road serves as a principal route into and out of Barnsley Town Centre and provides access to Barnsley Hospital via Pogmoor Road. Junction 37 of the M1 motorway lies a short distance to the south-west of the site and directly connects to Dodworth Road.

Planning History

2020/1478 – Erection of 4no. dwellings and associated works including upgraded access road (Outline seeking approval over means of access, layout, landscaping and scale) – Refused April 2021.

Refused for the following reasons:

1. In the opinion of the Local Planning Authority the proposed development would result in the intensification of the use of a vehicular access onto Dodworth Road (A628) which is a main arterial route leading from junction 37 of the M1 into Barnsley. Vehicles attempting to take a right turn out of the development would need to negotiate this busy arterial route with limited opportunity to do so, given that heavy flow at peak times results in limited gaps within the flow of traffic to allow vehicles to cross the carriageway. Vehicles making a right turn into the site would result in traffic blocking back toward the signals at the J37 roundabout which would have a significant impact on the free flow of traffic on this highly sensitive part of the highway network to the detriment of road safety. The proposal is therefore contrary to Local Plan Policies T4 'New development and Transport Safety', GD1 'General Development', D1 'High Quality Design and Place Making' and paragraph 108 of the NPPF.
2. In the opinion of the Local Planning Authority the proposal represents an undesirable form of tandem and backland development that would not benefit from the frontage to

the existing public highway, nor reflect the prevailing settlement pattern of the area to the detriment of the character of the area. As such the proposal is considered to be of poor design that would fail to improve the character and quality of the area and the way it functions which is contrary to Local Plan Policy GD1, Local Plan Policy D1, the Council's Supplementary Planning Documents (SPD) - Designing New Housing Development and paragraph 127 of the NPPF.

3. In the opinion of the Local Planning Authority, the proposed development would be materially detrimental to the amenities of the neighbouring properties by reason of disturbance from increased residential and vehicular activity. As such, the proposed development would be contrary to Local Plan Policy GD1 'General Development' and the Council's Supplementary Planning Document 'Design of Housing Development'.
4. In the opinion of the Local Planning Authority the proposed development would be contrary to Local Plan Policy H9 'Protection of Existing Larger Dwellings' in that the proposed dwellings would have an adverse impact on the setting of the original dwelling and the size of the remaining garden area.

2021/0941 - Erection of 1no. dwelling and associated works including upgraded access road (Outline seeking approval over means of access, layout, landscaping and scale) – Refused July 2021, and subsequently dismissed at appeal ref APP/R4408/W/21/3284818. (see appendix 1 for the full appeal decision)

Refused for the following reasons:

1. In the opinion of the Local Planning Authority the proposed development would result in the intensification of the use of a vehicular access onto Dodworth Road (A628) which is a main arterial route leading from junction 37 of the M1 into Barnsley. Vehicles attempting to take a right turn out of the development would need to negotiate this busy arterial route with limited opportunity do so given that heavy flow at peak times results in limited gaps within the flow of traffic to allow vehicles to cross the carriageway. Vehicles making a right turn into the site would result in traffic blocking back toward the signals at the J37 roundabout which would have a significant impact on the free flow of traffic on this highly sensitive part of the highway network to the detriment of road safety. The proposal is therefore contrary to Local Plan Policies T4 'New development and Transport Safety', GD1 'General Development', D1 'High Quality Design and Place Making' and paragraph 110 of the NPPF.
2. In the opinion of the Local Planning Authority the proposal represents an undesirable form of tandem and backland development that would not benefit from the frontage to the existing public highway, nor reflect the prevailing settlement pattern of the area to the detriment of the character of the area. As such the proposal is considered to be of poor design that would fail to improve the character and quality of the area and the way it functions. Furthermore, the proposed development would be materially detrimental to the amenities of the neighbouring properties by reason of disturbance from increased residential and vehicular activity. Therefore, the development is contrary to Local Plan Policy GD1, Local Plan Policy D1, the Council's Supplementary Planning Documents (SPD) - Designing New Housing Development and paragraph 130 of the NPPF.
3. In the opinion of the Local Planning Authority the proposed development would be contrary to Local Plan Policy H9 'Protection of Existing Larger Dwellings' in that the proposed dwelling would have an adverse impact on the setting of the original dwelling and the size of the remaining garden area.

Application proposals

The applicant seeks outline permission for the erection of 5no. self-build plots considering access, landscaping and layout and associated works including upgraded access. Scale and appearance are to be considered at reserved matters stage and are not under consideration as part of this application. The host bungalow would be demolished to allow the comprehensive development of the site.

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held on 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027, or earlier, if circumstances require it.

Local Plan

The building is a listed property, and the site is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy H1 The Number of New Homes to be Built
Policy H4 Residential Development on Small Non-allocated sites
Policy H9 Protection of Existing Larger Dwellings
Policy LG2 Location of Growth
Policy Poll1 Pollution Control and Protection
Policy BIO1 Biodiversity and Geodiversity
Policy CL1 Contaminated and Unstable Land
Policy CC1 Climate Change
Policy CC2 Sustainable Design and Construction
Policy SD1 Presumption in favour of Sustainable Development
Policy GD1 General Development
Policy D1 High Quality Design and Place Making
Policy T3 New Development and Sustainable Travel
Policy T4 New Development and Transport Safety

SPDs/SPGs

SPD Parking
SPD Design of Housing Development

Other

South Yorkshire Residential Design Guide

National Planning Policy Framework (NPPF) December 2024

The National Planning Policy Framework sets out the Governments planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise.

Where the development plan is absent, silent, or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Chapter 5 Delivering a sufficient supply of homes

Paragraph 73 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly. To promote the development of a good mix of sites, local planning authorities should:

- d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

Chapter 9 Promoting Sustainable Transport.

Paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe taking into account all reasonable future scenarios.

Chapter 15 Conserving and Enhancing the Natural Environment.

Paragraph 187 states planning decisions should contribute to and enhance the natural and local environment by; protecting sites of biodiversity value; minimising impacts on and providing net gains for biodiversity, and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs; and preventing new development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 196 states that planning policies and decisions should ensure that

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impact on the natural environment arising from that remediation)
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- d) account of ground conditions and any risks arising from land instability and ensure that adequate site investigation information is available to inform assessment.

Paragraph 197 states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 198 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impact on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 201 states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Consultations

Air Quality Officer – No objections received.

Biodiversity – The application is not supported by any ecology reports. Advise that the applicant submit a Preliminary Ecological Appraisal (PEA) report.

Demolition – No objections received.

Forestry Officer – The scheme put forward does not seem to pay particular regards to the trees present on site as demonstrated by the impacts on category B trees and groups.

Highways Drainage – The area is well served by sewers, and it is considered that conditional approval is appropriate in this case.

Highways DC – Highways are unable to support this application due to Highway Safety concerns and as such offer objection to the application.

Mining Remediation Authority – No objections subject to conditions.

Pollution Control – No objections subject to conditions.

South Yorkshire Mining Advisory Service – No objections subject to conditions.

Waste Management – No objections received.

Yorkshire Water – No objections received.

Ward Councillors – No objections received.

Representations

Neighbour notification letters were sent to 22 surrounding properties and a site notice posted adjacent to the site.

5 representations were received. The 5 representations raised the following material planning issues:

- noise and disturbance during construction
- overlooking
- impact on highway safety
- increased number of vehicles entering and exiting the site
- increased noise and disturbance from proposed dwellings
- removal of trees and bat habitats

The following matters were also raised, however these are not material planning considerations and as such are afforded no weight:

- owners of 266 have not given permission for driveway to be used
- loss of views of the surrounding countryside
- increased pollution from heating boilers

Assessment

The main issues for consideration are as follows:

- The principle of development
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards
- The impact on the character of the area

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale unless the NPPF establishes a specific weight:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of development

The site is located within Urban Barnsley, which is a priority location to accommodate growth and new residential development in compliance with Local Plan Policies LG2 and H2.

The delivery of 4 additional homes would make a modest contribution towards the overall new homes target in line with Local Plan Policy H1. The site is not the subject of a specific allocation policy, but the Urban Fabric designation, allows for development to take place on the site subject to complying with Policy GD1 and other relevant development plan policies.

Local Plan Policy H4 Residential Development on Small Non-allocated sites states that proposals for residential development on sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies within the plan.

The site is also in a backland location where SPD Design of Housing Development states backland development is most effective where it includes a number of dwellings served by an adopted highway, which is capable of being used by refuse and other servicing vehicles. Long, narrow private drives (typically in excess of 30m), which would result in excessive man carry distances' should be avoided. It also states backland development may be more acceptable in circumstances where there is an existing use at the rear of dwellings and where residential development would benefit the amenity of existing residents and the character and appearance of the locality.

Local Plan Policy H9 Protection of Existing Larger Dwellings, states that development within the curtilage of existing larger dwellings will be resisted where it will have an adverse impact on the setting of the original dwelling, and the size of the remaining garden area.

The supporting text provides further clarification and goes on to state that in recent years dwelling conversions have taken place at an increasing rate, these conversions have resulted in a loss of larger homes and an increase in the number of smaller homes, contributing to the imbalance in the housing stock towards smaller homes. The government has changed the designation of garden areas from 'brownfield land' to 'greenfield land' in an attempt to resist development of additional houses within the curtilage of larger homes. Often additional dwellings have been built within their curtilage, resulting in an adverse impact on the original dwelling.

Whilst the existing dwelling is classed as a larger home, the proposal sees the demolition of the existing dwelling, and the complete redevelopment of the site. The erection of 5no dwellings, which would each have a footprint in excess of 93m²¹ would see a net increase of 4no. larger homes, all of which are set in curtilages, with private amenity space in excess of the minimum requirements, and as such the development would be in compliance with Policy H9.

Barnsley cannot currently demonstrate a five-year housing land supply (including the buffer required because of our most recent housing delivery test result) and accordingly there is a demonstrable unmet need for housing.

NPPF Paragraph 73(d) states that small sites can make an important contribution to meeting the housing requirement of an area and that LPAs should "support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes".

Notwithstanding the above, whilst all new dwellings contribute to housing supply, the delivery of four additional dwellings would only make a limited contribution to the existing stock.

All new dwellings must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new and existing residents. In addition, development will only be granted where it would maintain visual amenity and not create traffic issues or reduce highway safety. An assessment of the proposals against those criteria and in relation to the other material planning considerations relevant to the assessment of the proposal and the relevant policies is set out below.

Highway Safety

The proposal would utilise an existing drop kerb and driveway which is accessed directly from Dodworth Road. Dodworth Road (A628) is a main arterial road leading from junction 37 of the M1 into Barnsley. The volume of traffic on this road has led to the recent construction of a Gyratory system approximately 500m to the north-east of the site, on the former Penny Pie Park adjacent to the former signalled junction between Dodworth Road, Pogmoor Road and Broadway.

The proposals would utilise and improve the existing access which serves no.264 Dodworth Road as follows:

- Carriageway widening at the site entrance to provide a 5.5m width over the first 10m;
- A 4m kerb radii;
- New footway along the eastern flank of the access road;
- A minimum carriageway width of 4.8m within the development; and
- A turning facility suitable to accommodate a fire appliance and delivery van.

¹ floor area of a 4 bed 5 person or more home, as outlined in the South Yorkshire Residential Design Guide

In addition to the above, the existing driveway to No. 266 can be served via the improved private access in order to reduce the number of driveways served from Dodworth Road. It is intended that the existing driveway to No. 266 would be permanently closed, therefore associated reversing manoeuvres onto Dodworth Road would be removed.

Each property would be provided with a minimum of 2no. in curtilage parking spaces in line with SPD Parking.

A comprehensive Transport note has been prepared by Optima Highway Solutions which assesses the highway impacts of the proposals.

The Councils Highways department have been consulted on the application and despite the applicants Transport Note, have raised serious concerns with the proposal, stating:

“The layout submitted does not overcome the issues that have been previously raised in terms of access to the site. The authority has been consistent in their approach that no further intensification of this shared private drive would be acceptable given the location and the comments made on the previous application are reiterated.

Dodworth Road is a main arterial route into the town centre within excess of 27000 vehicles using it daily. Vehicles attempting to take a right turn out of the development would need to cross two lanes of traffic with little opportunity to do so. Heavy flow at peak times results in limited gaps within the flow of traffic to allow vehicles to cross the carriageway and in situations such as these, we are often presented with aggressive driving or risk taking as a result. Vehicles making a right turn into the site could result in traffic backing up toward the signals as you exit the J37 roundabout which would have a significant impact on this highly sensitive part of the highway network.

With reference to the number of vehicles using Dodworth Road, the most recent data on the DfT's Road Traffic Statistics show an estimated annual average daily flow in excess of 28500 vehicles per day which is a considerable increase to the figures quoted previously.

Notwithstanding the above, the site plan shows swept paths for a refuse vehicle, however it should be noted that refuse vehicles do not enter shared private drives and as such the proposed refuse collection area is unsuitable as it is not adjacent to the public highway. That being said, I would have further concerns over refuse collection for an additional 5 properties being carried out on the public highway due to the additional time that will be required for a refuse vehicle to remain stationary whilst undertaking the collection on this busy arterial route. I would also point out that the swept paths show the vehicle crossing into the opposing lane when taking a left out of the site. Whilst I am mindful that I have advised that the vehicle shown would not enter the site, it is likely that larger delivery vehicles would, and as such, there is the potential that these vehicles will also cross into the opposing lane. Due to the number of vehicles that travel along Dodworth Road, it is imperative that vehicles do not cross into the opposing lane”.

This carries substantial weight against the application and the application therefore conflicts with Policies T4 and GD1 of the Local Plan which seek to ensure new development is suitably served by the existing highway and is designed with safe, secure and convenient access and movement. The proposal would also represent an unacceptable impact on highway safety in line with Paragraph 116 of the NPPF 2024.

It has come to the attention of the Local Planning Authority that the owner of 266 does not consent to the use of their land for the proposed widening of the access road. Although this issue is addressed in a separate section below, it is also noted that the applicant has

proposed the closure of the Dodworth Road access to the property, as a measure to improve highway safety. However, this access point lies outside the red line boundary of the application site and therefore cannot be controlled or conditioned through this application. As a result, the strength of the applicant's argument is diminished. This carries significant weight against the application.

Previous applications

The two previous applications at the site, 2020/1478 and 2021/0941 were both refused on highways grounds. Application 2021/0941 was subsequently dismissed at appeal (ref APP/R4408/W/21/3284818). The Inspector stated;

"I have been referred to extracts from a previous Inspector's decision (ref: APP/R4408/W/15/3141763 see appendix 2 for the full appeal decision) on the opposite side of the road to the appeal site and a similar distance from the roundabout. This refers to a two-way daily traffic flow of some 26,000 vehicles along Dodworth Road which highlights the high levels of traffic present. My site visit took place in the late afternoon. On this visit my impression was that suitable breaks in the traffic were limited and accessing or exiting the driveway at these busy times could be difficult.

Vehicles turning right into the driveway would cause stationary traffic to build up behind the vehicle, whilst the driver waited for an adequate break in the traffic. This would impede the free flow of traffic, at a point where vehicles may be changing lanes".

The Inspector concluded that the erection of 1no additional dwelling at the site would have an unacceptable effect on highway safety and would therefore conflict with Local Plan Policies GD1, and T4.

Nearby Schemes

The applicant has made reference in the appeal documents to the development referred to as Grosvenor Walk. This site is located some 800m to the north-east of the appeal site and was subject to planning application 2010/1098 erection of 58 dwellings. This development was located on the former Polar Ford car dealership site, with an adopted access allowing two-way traffic onto a section of Dodworth Road which is single lane traffic in both directions. As such it is not considered comparable to the location or development subject to this application; nevertheless, each application is assessed on its individual merits.

A more comparable scheme would be one for 5no. dwellings directly opposite the entrance to this site (referenced above and by the Councils Highways Officer) was refused (ref:2015/0199) and dismissed at appeal (ref: APP/R4408/W/15/3141763) (please see appendix 2 for full appeal decision) partially on highway safety grounds. The Inspector stated;

"The A628 Dodworth Road is a main arterial road leading from junction 37 of the M1 into Barnsley. Traffic data records a two-way daily traffic flow of some 26,000 vehicles which gives some idea as to its importance to the strategic highway network and how busy it is. It is subject to a speed limit of 30 miles per hour and there are parking restrictions along the site frontage on Dodworth Road between 0730 hours and 1800 hours. The site is located a short distance to the east of the roundabout which is the M1 interchange. In the vicinity of the site the A628 is a two-way carriageway road with 2 lanes in a nearside direction travelling towards Barnsley and one lane outbound travelling west to the M1. The nearside inside lane is marked for drivers travelling to Barnsley and the local hospital and the outside lane is marked for through traffic along the A6133.

I have been supplied with accident data from January 2010 to December 2014 which records 6 incidents in a four-year period all of which resulted in minor injuries. I accept that the accident data does not evidence clusters of any significance or common causation factors. However, five of these incidents are in the vicinity of the site and three of them appear to involve vehicles which were proceeding along the carriageway and were held up. This indicates to me that interruptions to the free flow of traffic appear to have been a causal factor in at least some of these minor accidents.

I have noted that there are some 68 dwellings which front and have direct access onto Dodworth Road between the roundabout and the traffic signals at Pogmoor Road. I have also looked at the dwellings located on Hunters Road which runs off the southern side of Dodworth Road. However, the appeal site is located in a particularly difficult location, just a short distance from the point where vehicles are rounding the traffic island and making lane changes. This location combined with the intensification of the use of the new access and the configuration of the access adjacent to the track and another domestic driveway would make the overall effect on highway safety unacceptable. Even on the appellant's evidence of an additional 24 to 32 daily vehicle movements, I conclude that this would be unacceptable in this location"

Please see appendix 3 for location plan showing the relationship between the appeal site and the sites referenced above.

Based on the assessment above, it is considered that the proposed development would similarly have an unacceptable impact on highway safety and would therefore conflict with Policies T4 and GD1 of the Local Plan.

Residential Amenity

Local Plan Policy GD1 states development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing residents.

SPD Design of Housing Development states that the distance between facing habitable room windows should be 21m, the distance between a habitable room window and a blank gable wall should be 12m and that habitable room windows at first floor level and above should be a minimum of 10m from the boundary of any private garden which they would face.

Whilst scale and appearance are not under consideration as part of this application, the layout plan submitted indicates that the site is a sufficient size to accommodate 5no dwellings, and their associated parking and private amenity spaces, meeting the required separation distances without impacting on the amenity of surrounding properties as set out in the adopted SPD Design of Housing Development.

The site is currently occupied by a single residential property and its associated curtilage. The proposed development seeks to demolish the dwelling and introduce five dwellings (5 no.) to the rear of properties on Hunters Avenue and Dodworth Road. The layout has been designed to align new amenity spaces with those of surrounding properties, maintaining a consistent residential character. Given the site's location within a predominantly residential area, and the comparable relationship to existing housing developments, the proposal is not anticipated to result in a significant increase in noise or disturbance to an unreasonable level.

Notwithstanding the residential context of the site, concerns have been raised regarding the potential for increased disturbance arising from additional traffic movements associated with

the proposed four dwellings (4 no.), particularly given their proximity to the side boundaries of Nos. 262 and 266 Dodworth Road.

A Noise Impact Assessment has been submitted in support of the application. It estimates that each dwelling would generate approximately 5.2 vehicle movements per day, equating to a total of 26 daily movements across the development.

The assessment concludes that the noise generated by these additional movements would remain below existing ambient noise levels, and that the associated impact is considered negligible. This conclusion aligns with the findings of appeal decision APP/R4408/W/15/3141763 for the site nearby, in which the Inspector noted that:

“In the context of the immediate noise environment of Dodworth Road, I conclude that any additional noise and disturbance resulting from the use of the shared drive by the four houses to the rear would not be material. As such it would not cause undue harm to the living conditions of the existing occupiers at no. 313 and it would not result in unsatisfactory living conditions of the intended occupiers of the replacement dwelling at no. 315. In this regard the proposal would be in conformity with the UDP policies and SPD outlined above”.

While it is acknowledged that there are similarities between the nearby appeal site and the current proposal, the access in this case is significantly narrower and located in much closer proximity to neighbouring dwellings, particularly Nos. 262 and 266 Dodworth Road.

As such, the anticipated increase in vehicle movements would be materially greater in its impact, resulting in a detrimental effect on the amenity of nearby residents, especially where it adjoins private garden areas. This harm would persist despite any acoustic fencing that may be proposed and is considered contrary to Local Plan Policy GD1, which seeks to protect residential amenity.

Pollution Control have been consulted on the application, and whilst they raise concerns in relation to the age of the data provided within the noise report they considered the development is acceptable subject the submission of an updated Noise Impact Assessment as part of the reserved matters application.

The Noise Impact Assessment (NIA) uses background data from over 4 years ago therefore this may not be an accurate assessment of the current noise environment. Also, the NIA does not provide a specific noise mitigation schedule for the development. However, based on the noise measurements from 2020, the NIA suggests that with the implementation of an appropriate noise mitigation schedule the required sound levels could be met.

Comments have been made in relation to noise and disturbance during the construction period. Any noise and disruption associated with equipment used during the construction of the site can be mitigated and controlled by condition and the short-term noise and disturbance associated with implementing the planning permission is considered to carry limited weight against the proposal.

Whilst the siting of the development may meet the requirements of the adopted Supplementary Planning Documents, in that it would not increase levels of overlooking or overshadowing or reduce levels of outlook, it does not outweigh the potential increase in noise and disturbance created by additional traffic entering and exiting the site and therefore on balance it is considered that the proposed scheme is contrary to Local Plan Policy GD1.

Visual Amenity and Impact on Character of Area

Dodworth Road is characterised by dwellings located along the roadside, set back from the highway behind small parking areas and front gardens. In contrast, No. 264 Dodworth Road, a large, detached bungalow is situated in a backland position, behind the existing frontage development. As with the existing dwelling, the proposed development would be largely screened from public vantage points due to its significant setback from the highway.

The surrounding area comprises a mix of housing types and designs. While predominantly two-storey, there are examples of single-storey dwellings in the vicinity. Although matters of scale and appearance are reserved for future consideration, it is not considered that the proposed development would appear out of character with the wider area.

On balance, the development is considered acceptable in terms of its impact on the character of the area and is compliant with Local Plan Policy D1. However, this does not justify the approval of a scheme that would result in a significant and detrimental impact on the free and safe flow of traffic.

Biodiversity and Forestry

National requirements have seen the introduction of Biodiversity Net Gain (BNG). In England; BNG is mandatory under the Town and Country Planning Act 1990, whereby developers must deliver a biodiversity net gain of 10%, resulting in more or better-quality habitat than before a development. Biodiversity Net Gain (BNG) became mandatory for all applications in April 2024 except where one of the exemptions (as set out in the Planning Practice Guidance) are met. This application is exempt from the requirement to provide BNG as it is a custom/self-build application which must consist of no more than 9 dwellings, be on a site that has an area no larger than 0.5 hectares and consist exclusively of dwellings that are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015.

Local Plan Policy BIO1 states that development will be expected to conserve and enhance the biodiversity and geodiversity features by protecting and improving habitats; maximising biodiversity opportunities in and around new developments and encouraging provision of biodiversity enhancements. Policy BIO1 follows on to state that development will be expected to conserve and enhance the biodiversity and geological features by protecting ancient and veteran trees.

Notwithstanding the above, the application has been submitted without supporting ecology reports. The Councils biodiversity officer was consulted on the application and raised the following comments.

“The application is not supported by any ecology reports. I would advise that the applicant submit a Preliminary Ecological Appraisal (PEA) report which records the habitats on site and the potential for protected species. The PEA will consider potential impacts of the proposals and include recommendations with the aim of mitigating any impacts and enhancing site biodiversity. As the site supports a number of buildings and trees, the ecology survey should include a bat roost assessment of these features, which may then indicate the requirement for further survey work to assess the presence/absence of roosting bats. The PEA should also include data requested from the Barnsley Biological Record Centre and South Yorkshire Bat Group to inform the appraisal”.

A full Arboricultural report and impact assessment was submitted in support of the application, which identified 3 individual trees and 7 groups of trees within the site. The majority of these trees fall within retention category ‘B’ the highest category, with the remaining trees falling within category ‘C’. Of these trees, groups G1 and G5 and individual

tree T6 are to be removed to facilitate development, with G1 and T6 being category 'B' trees and G5 category 'C'.

The Councils Forestry Officer has been consulted on the application and has stated that:

"The scheme put forward does not seem to pay particular regards to the trees present on site as demonstrated by the impacts on category B trees and groups. As noted in the British Standard category B trees are a considerable constraint to the development and every effort should be made to retain these trees as part of a scheme. I therefore feel that the proposal needs to be looked at again and the tree survey information be used to inform the proposed layout to ensure the better-quality trees are retained and remain unaffected long term by any proposals put forward".

The applicant was informed that the application did not contain adequate information to enable an assessment of its impact on biodiversity and trees. Although these concerns were communicated, no further documentation was submitted to address them. Consequently, the lack of information in relation to Policy BIO1 is considered to carry moderate weight against the application.

Mining Legacy

The applicant has submitted a Coal Mining Risk Assessment. The report indicates that the land is potentially at risk from coal mining legacy risks such as ground instability. The report concludes that further investigation works are required if planning permission is granted. South Yorkshire Mining Advisory Service and the Mining Remediation Authority have been consulted on the application and raise no objection to the proposed development subject to conditions.

This carries significant weight in favour of the application and is in compliance with Local Plan Policies CL1 and Poll1

Other Issues

Comments have been received stating that 266 Dodworth Road do not give their consent for their land to be used as indicated on the submitted plans. The applicant has completed certificate B on the application form, serving notice on the owner of the application site, but no notice appears to have been served on 266 Dodworth Road to accommodate the widening of the driveway. Nevertheless, ownership is a civil matter and not a material planning consideration.

Comments have been made in relation to anticipated increase in pollution from heating boilers; paragraph 201 of the NPPF states that focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). The emissions relating to domestic heating boilers are subject to separate control and as such are not a material planning consideration.

Planning Balance and Conclusion

In accordance with Paragraph 11 of the NPPF (2024) the proposed residential development is considered in the context of the presumption in favour of sustainable development. The proposed development is considered to be located within a sustainable and compatible location; this carries significant weight in favour of the application.

The layout of the site is such that there is no impact on residential amenity in terms of increased overlooking, overshadowing or loss of outlook, this carries significant weight in favour of the application.

The siting of the dwellings and their impact on the character of the area is considered acceptable due to the limited views from public vantage points, this carries significant weight in favour of the application.

Whilst there are mining legacy implications on the site, no objections have been raised by the relevant consultees subject to the inclusion of conditions, this carries significant weight in favour of the application.

Barnsley cannot currently demonstrate a five-year housing land supply (including the buffer required because of our most recent housing delivery test result) and accordingly there is a demonstrable unmet need for housing. The delivery of four additional dwellings would only make a limited contribution to the existing stock, however NPPF Paragraph 73 states that Local Planning Authorities should give great weight to windfall sites.

Any noise and disruption associated with equipment used during the construction of the site can be mitigated and controlled by condition and the short-term noise and disturbance associated with implementing the planning permission is considered to carry limited weight against the proposal.

The lack of information in relation to Biodiversity and on site trees is considered to carry moderate weight against the application.

The anticipated increase in vehicle movements within close proximity to the private gardens of 262 and 266 Dodworth Road would have a significant impact on residential amenity which carries considerable weight against the application.

Whilst the parking arrangement for the proposed dwellings exceed the minimum requirements as set out in the SPD, the intensification of the proposed development would have a detrimental impact on the highway network due to its location and the impact on highway safety and the free and safe flow of traffic, this carries substantial weight against the application.

Having balanced all material planning considerations, the positive aspects of the proposal outlined above do not outweigh the potential impact of the proposal on the highway network and the free and safe flow of traffic, or the impact on residential amenity from noise and disturbance from the intensification of the access road and as such the proposal is therefore, on balance, un-acceptable.

Based on the assessment above, it is considered that the likely recommendation of the Local Planning Authority would have been one of refusal, given that similar applications have been refused and dismissed at appeal.

Appendix 1 – Appeal Decision APP/R4408/W/21/3284818 LPA ref 2021/0941



Appeal Decision

Site visit made on 4 February 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2022

Appeal Ref: APP/R4408/W/21/3284818

266 Dodworth Road, Barnsley S70 6PN

- 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 G Bird against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2021/0941, dated 2 July 2021, was refused by notice dated 26 August 2021.
 - The development proposed is described in the application form as 'erection of 1no. dwelling and associated works including upgraded access road (outline seeking approval over means of access, layout, landscaping and scale)'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form seeking approval for access, layout, landscaping and scale with appearance reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative, insofar as they relate to appearance.

Main Issues

3. The main issues are:
 - the effect of the proposal on highway safety;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupants of neighbouring properties, with particular regard to noise and disturbance; and
 - the effect of the proposal on the setting and garden size of the existing dwelling.

Reasons

Highway Safety

4. The appeal site consists of the garden of an existing bungalow (264) which is set to the rear of properties along Dodworth Road. That bungalow is accessed via a long reasonably narrow access set between the side boundaries of two residential properties, No 266 and No 262. Many properties have direct access

onto Dodworth Road (A628), a busy 30 mph limit road carrying a large volume of traffic. The road consists of two lanes leading into the centre of Barnsley from the M1 interchange roundabout. A single lane on the same side of the road as the appeal site serves traffic heading from Barnsley towards the roundabout.

5. The proposed dwelling would share 264's access with Dodworth Road. This would be widened as part of the appeal proposal and the front driveway of No 266 would be permanently closed off. Parking spaces would be provided to the rear of No 266 which would be accessed via the same altered access.
6. I have been referred to extracts from a previous Inspector's decision¹ on the opposite side of the road to the appeal site and a similar distance from the roundabout. This refers to a two-way daily traffic flow of some 26,000 vehicles along Dodworth Road which highlights the high levels of traffic present. My site visit took place in the late afternoon. On this visit my impression was that suitable breaks in the traffic were limited and accessing or exiting the driveway at these busy times could be difficult.
7. Vehicles turning right into the driveway would cause stationary traffic to build up behind the vehicle, whilst the driver waited for an adequate break in the traffic. This would impede the free flow of traffic, at a point where vehicles may be changing lanes. The Highway Authority further advises that limited gaps within the flow of the traffic often results in aggressive driving or risk taking, posing a further risk to highway safety. I agree with this assessment; frustrated drivers may undertake more risky actions than they normally would.
8. In this regard I am mindful of the number of accidents that have occurred within what amounts to a very small survey area along this part of Dodworth Road. Whilst the appellant states that this amounts to 0.8 accidents per year, this is high for a short section of road. I have not been provided with the circumstances of these accidents. It is nonetheless likely that interruptions to the free flow of traffic, could have been a causal factor in at least some of them, in line with the assessment of the previous Inspector.
9. I accept that the increase in vehicle movements associated with the proposal is likely to be small. However, taking into account the accident data and having regard to the location close to the road junction, and the likely effect on the free flow of traffic, a further dwelling with vehicular access onto this road would increase the risk of an accident occurring and would make the overall effect on highway safety unacceptable.
10. I accept that the proposed alterations to the access would result in some improvements in highway safety, this would however have little effect on the number of vehicles generated by the new dwelling or accessing the highway. The closure of the driveway to No 266 would remove the potential of vehicles reversing onto the highway from this property, however given the extent of turning space within its driveway, I am not convinced that this is likely to have been a common occurrence in any case. Indeed there is nothing before me to indicate that the use of this driveway is anything other than lawful at present.
11. Both parties have referred to a new gyratory that has been granted planning permission and is under construction, however I have not been provided with

¹ APP/R4408/W/15/3141763

any convincing evidence that this would reduce the volume of traffic passing along Dodworth Road.

12. Whilst each application and appeal must be treated on its individual merits, I can appreciate the Council's concerns that approval of this proposal could be used in support of such similar schemes. In my view, this is not a generalised fear of precedent, but a realistic and specific concern given the likely similarity of the highway safety issues that are likely to arise from new development along Dodworth Road. Allowing this appeal would make it more difficult to resist further planning applications for such developments.
13. Nevertheless, even in its own terms, I therefore conclude that the proposal would have an unacceptable effect on highway safety and would therefore conflict with Policies GD1, D1 and T4 of the Barnsley Local Plan (2019) (the BLP) which seek to ensure new development is suitably served by the existing highway and is designed with safe, secure and convenient access and movement. The proposal would also represent an unacceptable impact on highway safety in line with paragraph 111 of the National Planning Policy Framework (the Framework).

Character and Appearance

14. The appeal site lies within the Urban Fabric of Barnsley as defined by the BLP. Policy LG2 of the BLP prioritises new development within Urban Barnsley; Policy H4 accords in principle support to new residential development on sites of less than 0.4 hectares. Policies GD1 and D1 seek to ensure new development is of a high-quality design that respects local character.
15. Dodworth Road consists of dwellings located to either side of the road set back behind small parking areas and front gardens. In contrast, No 264, a large detached bungalow lies in a 'backland' setting, set behind existing dwellings along Dodworth Road. The proposed dwelling would be sited alongside this existing dwelling. Like the existing dwelling, the proposal would not be easily visible within the streetscene given its significant setback.
16. I accept that the proposed dwelling would be seen from neighbouring residential properties. However, given that it would reflect the proportions of the existing dwelling, would be aligned with the angle of that property and of the boundaries in the vicinity and given that it would be of an appropriate scale, comfortably fitting into the gap between the side of the dwelling and the rear gardens of neighbouring dwellings, I am satisfied that it would reflect the settlement pattern in this area. The proposal would not appear visually harmful, nor would it represent poor design (notwithstanding that appearance is a reserved matter).
17. The Design of Housing Development Supplementary Planning Document (2019) (the SPD) advises that backland development is most effective where it includes a number of dwellings served by an adopted highway, which is capable of being used by refuse and other servicing vehicles. Whilst not adopted, the access in question is proposed to serve two dwellings and would also provide access to the parking area of No 266. Notwithstanding that this is an outline proposal, the proposed plans show the provision of a shared bin store adjacent to the access, which would help to avoid excessive 'man carry distances' whilst the alterations to the access would provide a turning facility suitable to

accommodate a refuse vehicle. I am satisfied that the proposal would therefore not conflict with the guidance contained within the SPD in that regard.

18. I therefore conclude that the proposal would not be harmful to the character and appearance of the area and would comply with Policies D1 and GD1 of the BLP in this respect, as described above. The proposal would also comply with the provisions of paragraph 130 of the Framework which is supportive of good design and seeks to ensure developments are visually attractive and sympathetic to local character.

Living Conditions

19. The driveway and turning area of the new dwelling would follow a similar route to an existing access serving a garage to the side of the existing dwelling. Given that this is an established route for vehicles, noise arising from vehicle movements will already be experienced by the occupants of neighbouring properties which have gardens backing onto the appeal site. I also noted that there is a fair level of background noise in this location given its location within the Urban Fabric of Barnsley close to the A628 and M1.
20. Taking into account the existing situation, I am of the view that the provision of one additional dwelling with its associated vehicle movements would not result in a significant increase in noise at a point where it would be unduly detrimental to the living conditions of the occupants of neighbouring properties.
21. Similarly, the proposal would result in an increase in vehicular movements along the existing access running between No 262 and No 266, however given that this is a long-established route for vehicles to and from the appeal site, I am of the view that one additional dwelling would not result in a significant increase in noise to a point where it would be unduly harmful to the living conditions of those properties. Whilst it is proposed to provide the parking within the rear garden of No 266, I note that there is already a garage served by a long driveway in this position. As such I am satisfied that any noise arising from vehicles in this position is likely to be broadly similar to that arising from the existing situation.
22. I also note that a noise assessment has been provided by the appellant which concludes that noise levels generated by the proposal would not be unreasonable. This supports my above assessment.
23. I note that the appeal site is already in use as garden and that the majority of the garden space allocated to the proposed dwelling would be positioned away from the boundaries with neighbouring properties. I therefore conclude that the proposal would not be harmful to the living conditions of neighbouring properties with regard to noise and disturbance. It would therefore accord with Policies D1 and GD1 of the BLP, in this respect, which seek to ensure that new development does not adversely affect the living conditions of existing occupiers.

Existing Dwelling

24. The appeal property is considered by the Council to be a 'larger dwelling' for the purposes of Policy H9 of the BLP which protects these properties from being subdivided or from new housing development within their garden areas that would have an adverse impact on the original dwelling and its continued function.

25. The existing dwelling sits in a sizeable plot such that a large garden would remain following the construction of the proposed dwelling. No subdivision of the existing dwelling is proposed and there would be sufficient space between it and the proposed dwelling to avoid any adverse impact on its function. I am satisfied that the proposal accords with Policy H9 of the BLP for these reasons.

Other Matters

26. The development of windfall sites within the Urban Fabric is generally supported through both the Framework and the BLP. However, whilst all new dwellings contribute to housing supply, in this case the delivery of one additional dwelling would only make a limited contribution to the existing stock. As such the benefits of the scheme in this regard, and in respect of employment during construction and future residents bringing trade to local services and facilities, are limited. Furthermore, the Council states it can demonstrate a 5-year supply of deliverable housing sites which I have no reason to doubt. However even were that not in existence, on the basis of the evidence before me the likely adverse impacts, notably to highway safety, would significantly and demonstrably outweigh the benefits.

27. The appellant has referred to inconsistencies with regard to pre-application advice received before submitting the application, however my role is to assess the proposal before me and pre-application advice is not binding. As a consequence, no other material considerations are sufficient to outweigh my overall assessment, reasoned above, regarding the unacceptability of the development proposed (notwithstanding that adverse effects would not arise in respect of the main issues of character and appearance, living conditions and the effect on the existing dwelling).

Conclusion

28. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR

Appendix 2 – Appeal Decision APP/R4408/W/15/3141763 LPA ref 2015/0199

Appeal Decision

Site visit made on 7 April 2016

by Karen L Ridge LLB (Hons) MTPL

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

Decision date: 11 May 2016

Appeal Ref: APP/R4408/W/15/3141763

Land at 315 Dodworth Road, Barnsley S70 6PN

- 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 J Hewitt against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref. 2015/0199, dated 17 February 2015, was refused by notice dated 19 October 2015.
 - The development proposed is 5 no. dwellings (including demolition of existing property).
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the application process an amended layout plan was submitted depicting a revised access¹. At the site visit the parties confirmed that the appeal should be determined having regard to this revised layout.

Main Issues

3. The main issues in this appeal are:
 - (a) the effect of the proposal on highway safety;
 - (b) the effect of the proposal on the character and appearance of the area; and
 - (c) the effect of the proposal on the living conditions of adjoining occupiers at no. 313, and on the occupiers of no. 315, having regard to noise and disturbance.

Reasons

Highway safety

4. The appeal site comprises the existing dwelling at no. 315 and its domestic curtilage, as well as an additional parcel of land to the rear. The appeal scheme entails the demolition of the current house and the erection of five detached dwellings which would all use a shared driveway off Dodworth Road.
5. The development plan for the area includes the Council's Core Strategy (CS), adopted in September 2011, and saved policies from the Barnsley Unitary

¹ Drawing number PL/001 revision B

Development Plan (UDP). CS policy CSP26 confirms that new development will be expected to be designed to provide safe and secure access for all road users. UDP policy H8D confirms that permission for infill, backland or tandem development will only be granted where, amongst other things, it would not create traffic problems.

6. The A628 Dodworth Road is a main arterial road leading from junction 37 of the M1 into Barnsley. Traffic data records a two way daily traffic flow of some 26,000 vehicles which gives some idea as to its importance to the strategic highway network and how busy it is. It is subject to a speed limit of 30 miles per hour and there are parking restrictions along the site frontage on Dodworth Road between 0730 hours and 1800 hours. The site is located a short distance to the east of the roundabout which is the M1 interchange. In the vicinity of the site the A628 is a two way carriageway road with 2 lanes in a nearside direction travelling towards Barnsley and one lane outbound travelling west to the M1. The nearside inside lane is marked for drivers travelling to Barnsley and the local hospital and the outside lane is marked for through traffic along the A6133.
7. The existing driveway from Dodworth Road curves from the highway to the front of the house. It also forms the first part of a track which runs parallel to the appeal site's eastern boundary. The appellant's highways statement refers to this track carrying the line of a public right of way and leading on to back land and eventually across the railway line a short distance to the north. Immediately on the site's eastern boundary, along the Dodworth Road frontage, is the short driveway to no. 313. The footway in front of the appeal site is some 3 metres deep which would allow cars seeking to exit the opportunity of clear views to the left and right unobscured by the boundary treatments at the back of the footway.
8. The proposal would result in a net increase of 4 dwellings over and above the current situation. The existing dwelling would be demolished and replaced by a larger family dwelling. Three of the dwellings would have 4 bedrooms and two dwellings would have 5 bedrooms. The appellant's highways expert states that he has used the TRICS database to confirm that the additional dwellings are likely to generate an additional 2 to 3 trips at peak periods. It is claimed that the 4 new dwellings would generate between 24 and 32 *additional* trips per day. Whilst the appellant has supplied a summary of what is referred to as TRICs data, I have not been supplied with any tables or other extracts from tables and it is unclear as to the type, size and location of residential development relied upon. It is also unclear as to whether or not the additional 2 to 3 trips at peak periods refers to total departures and arrivals or just one way flows.
9. I further consider that residents on the site would be less likely to substitute walking and cycling for car journeys. The busy three lane road outside the site would make cycling an unattractive proposition to most cyclists. Bus stops are located around 200 metres away via a signalised crossing. However I share the Council's concern that pedestrians from the site might take the more direct route and seek to cross the road without the benefit of the crossing.
10. The Council points out that the new dwellings would be large family homes where levels of car ownership are likely to be 2 plus cars per dwelling. It estimates that the four additional properties would generate up to 8 departures

during the peak period and 8 arrivals during the peak period. Having regard to the size of the dwellings and potential car ownership, I conclude that four additional large family houses are likely to generate more than 2 to 3 additional trips at peak periods. So, for example, in the AM peak I conclude that it is more probable that the additional four family sized dwellings would result in between 4 and 8 additional vehicles seeking to exit the site.

11. Vehicles exiting the site and seeking to turn right would have to cross two lanes of traffic, before joining a third lane of moving traffic travelling in the opposite direction. At this point in Dodworth Road, vehicles travelling through the M1 interchange would have exited the roundabout and are then faced with two lanes filtering traffic in different directions. Some vehicles will no doubt be changing lanes in response to these lane divergences. The volumes of traffic on the main road and the configuration of the lanes would make any right turn out of the site a very difficult manoeuvre in the face of two lanes of busy moving traffic. Delays are likely to result in risks being taken in terms of exiting vehicles edging out into oncoming traffic. This would interrupt the free flow of traffic and compromise highway safety. In coming to this conclusion I have appreciated that not all vehicles exiting the site would make a right turn but the turning manoeuvre is so problematic that I consider even a small increase would be unacceptable.
12. Similarly, in the PM peak, vehicles seeking to enter the site from an easterly direction along Dodworth Road would have to cross two lanes of oncoming traffic. A stationary vehicle in the westbound carriageway would potentially cause hold-ups and a series of right turning vehicles could cause delays and result in risks being taken by drivers seeking to execute the manoeuvre more quickly. Again these manoeuvres would cause harm to highway safety.
13. The situation would be exacerbated by the configuration of the driveway. The new two-way driveway would be located adjacent to the farm track, with another domestic driveway (to no. 313) on the other side of the farm track. Other vehicles seeking to use these alternative access points at the same time as cars entering and exiting the shared drive would add to the confusion and further compound the problems. The two-way driveway of itself would enable one vehicle to seek to exit at the same time that another one was turning in. I appreciate that this may be relatively uncommon. However, when other possible vehicle movements are factored in, such as the neighbour at no. 313 seeking to enter or exit their driveway or other vehicles using the farm track, it is possible to see how a potentially confusing and dangerous traffic situation could occur.
14. The appellant's expert suggests that a left turn out and left turn in arrangement would overcome these problems. However, in the absence of a physical barrier to constrain movements, I agree with the Council that such an arrangement would be unenforceable. It has also been suggested that the farm track would be closed to vehicular traffic but I have not seen anything to support this. It also appears to run counter to representations from third parties who suggest that residential properties² have a vehicular right of way over the farm track.
15. The appellant points out that the existing access does not provide simultaneous two way flow at its junction with the public highway but this is not surprising

² Hunters Farm Cottage, 1 Hunters Cottages and 2 Hunters Cottages.

- given that it serves only one domestic dwelling. Therefore, whilst the proposed access would cater for a two way flow, I do not consider this to be a net benefit given that it would be serving five dwellings and the configuration of the new access and the increased traffic would result in an increased risk of accidents.
16. I have been supplied with accident data from January 2010 to December 2014 which records 6 incidents in a four year period all of which resulted in minor injuries. I accept that the accident data does not evidence clusters of any significance or common causation factors. However, five of these incidents are in the vicinity of the site and three of them appear to involve vehicles which were proceeding along the carriageway and were held up. This indicates to me that interruptions to the free flow of traffic appear to have been a causal factor in at least some of these minor accidents.
 17. I have noted that there are some 68 dwellings which front and have direct access onto Dodworth Road between the roundabout and the traffic signals at Pogmoor Road. I have also looked at the dwellings located on Hunters Road which runs off the southern side of Dodworth Road. However, the appeal site is located in a particularly difficult location, just a short distance from the point where vehicles are rounding the traffic island and making lane changes. This location, combined with the intensification of the use of the new access and the configuration of the access adjacent to the track and another domestic driveway would make the overall effect on highway safety unacceptable. Even on the appellant's evidence of an additional 24 to 32 daily vehicle movements, I conclude that this would be unacceptable in this location.
 18. Finally the appellant has referred me to paragraph 32 of the National Planning Policy Framework (the Framework). That paragraph begins by stating that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and then goes on to set out considerations in three bullet points. This proposal is not one which generates significant amounts of movement and as such I consider that the advice in the three bullet points, which need to be read together, have limited relevance.
 19. For all of the above reasons I conclude that the proposed access would materially compromise highway safety. As such it is contrary to the objectives of CS policy CSP26 and UDP policy H8D.

Character and appearance

20. The Council's concern relates to the length of the shared private driveway and its location immediately adjacent to the farm access. CS policy CS29 seeks to promote high standards of design which contributes to attractive neighbourhoods. Elements of saved UDP policy H8D contain the same objective.
21. In addition the Council's Supplementary Planning Document *Designing New Housing Development* (SPD) was adopted in March 2012 following public consultation. It aims to supplement policy CS29 by setting out more specific design guidance including the advice that long, narrow private drives (typically in excess of 30 metres) should be avoided. The appellant contends that the SPD was adopted after the Framework and therefore has questioned its relevance. However it is in conformity with the Framework and, whilst not prescriptive, it provides a useful guide as to recommended design principles.

22. The shared driveway would be some 5.5 metres wide. This increased width and its surfacing, as well as its straight length would mean that it would be highly conspicuous from the Dodworth Road frontage. Its juxtaposition next to the farm track would render it incongruous along this part of Dodworth Road where accesses tend to be single domestic accesses. For these reasons I conclude that this element of the proposal would be harmful to the character and appearance of the area and contrary to the development plan policy design objectives outlined above.
23. The replacement dwelling for number 315 would sit on a similar building line along Dodworth Road with the four additional dwellings being located on higher land to the rear in a cul-de-sac arrangement. Whilst the cul-de-sac formation would not be representative of the prevailing form of development in the area, it would not be harmful to the character and appearance of the area. I have come to this conclusion because the houses would only be glimpsed from Dodworth Road and the surrounding area and would not be seen in the context of the existing linear development along the main road.

Living conditions

24. UDP policies H8A and H8D have been saved and both seek to protect the living conditions of existing and prospective residents, amongst other things. These objectives are supported by the Council's SPD.
25. The new driveway would be sandwiched between the replacement dwelling at no. 315 and the farm track. On the other side of the farm track lies the semi-detached dwelling at no. 313 with its long rear garden. Traffic to the four dwellings at the rear would travel the length of the shared driveway. However, the noise climate in the rear gardens and rooms in these two dwellings are dictated by their proximity to Dodworth Road and the high levels of moving traffic which travel along the three lanes.
26. In the context of the immediate noise environment of Dodworth Road, I conclude that any additional noise and disturbance resulting from the use of the shared drive by the four houses to the rear would not be material. As such it would not cause undue harm to the living conditions of the existing occupiers at no. 313 and it would not result in unsatisfactory living conditions of the intended occupiers of the replacement dwelling at no. 315. In this regard the proposal would be in conformity with the UDP policies and SPD outlined above.

Other Matters

27. The site is in an accessible location, close to schools and other services and facilities and close to bus stops, with regular services to Barnsley and surrounding environs. The Framework sets out a presumption in favour of sustainable development and one of its key aims is to boost significantly the supply of housing. It confirms that housing applications should be considered in the context of the presumption in favour of sustainable development.
28. In addition the appellant informs me that the Council does not currently have a five year supply of housing land as required by the Framework. In such circumstances paragraph 49 of the Framework confirms that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of housing sites. In this case the Council has accepted that the location of residential development

is acceptable in principle and it is not asserted by either party that any of the relevant policies relied upon above are housing supply policies.

29. I have seen complaints about the Council's handling of the application but these are not relevant to a determination of the main issues and I make no comment on these matters.

Overall Conclusions

30. In the light of a shortage of housing land the proposal would make a modest contribution of high quality housing and the appellant points out that there is an identified lack of high quality housing in the district. In this regard the proposal attracts some weight. However it would cause unacceptable harm to highway safety and harm to the character and appearance of the area and these matters significantly and demonstrably outweigh any benefits which would accrue from the provision of four additional high quality homes. For these reasons the appeal must be dismissed.

Karen L Ridge

INSPECTOR

Appendix 3 Location Plan showing location of appeal site in relation to referenced sites

