



Appeal Decision

Site visit made on 29 January 2019

by Kate Mansell BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2019

Appeal Ref: APP/R4408/W/18/3214975

Rear of 7-29 May Terrace, Barnsley S70 6HS

- 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 David Oliver against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2018/0888, registered by the Council on 1 August 2018, was refused by notice dated 26 September 2018.
 - The development proposed is one dwelling – incorporating sprinkler system.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The date of the application above refers to the date on which it was registered by the Council as the declaration section of the application form was not provided.
3. The address given on the application form did not include reference to the site's location within Barnsley. However, for clarity, I have taken the address from the decision notice and appeal form as this is more precise.
4. The planning application was submitted in outline with all matters except access reserved. I have therefore had regard to the site location plan and indicative layout plan only insofar as they relate to access points. I have treated any other details as being illustrative only.
5. The Council adopted the Barnsley Local Plan (BLP) on 3 January 2019. As a result, the policies that are cited in the reasons for refusal on the Council's decision notice have been superseded by policies within the BLP. The Council also advise that the Supplementary Planning Document – Designing New Housing Development (New Housing Development SPD) will continue to be used until new SPD's are adopted later in the year. The guidance within it sets out specific criteria that are relevant to this case. It is therefore a material consideration, which I have taken into account in assessing the proposal.
6. The appellant has had the opportunity to comment on the up-to-date policies and accordingly, no parties have been prejudiced by my having regard to them.

Main Issues

7. The main issues are:
 - The effect of the proposal on the character and appearance of the area;

- Whether or not the site can be provided with a suitable and safe access and;
- The effect of the proposal on the living conditions of adjoining occupiers on May Terrace by reason of noise and disturbance.

Reasons

Character and appearance

8. Accessed between the side boundaries of 207 and 209 Dodworth Road, May Terrace for its first 30m is a narrow two-way street with a pavement on each side. Beyond this, May Terrace becomes a single lane carriageway sloping down from Dodworth Road. On each side of this narrow road is a row of semi-detached and terraced dwellings facing each other. The houses are set back with small garden areas, some of which have been converted to provide parking spaces.
9. The appeal site is to the rear of Nos 7-29 May Terrace. Historically, third party representations suggest that it formed garden space associated with properties fronting Dodworth Road. The appellant records its previous use as garaging and workshop buildings as well as being used for parking for some years. Access to the site from Dodworth Road would be as it is now; between the two rows of houses that form May Terrace and then along a section adjacent to the flank elevation of No 29. The indicative site layout shows a single 'L' shaped dwelling with sprinkler system and double garage. A bin storage area is indicated adjacent to the footpath to the rear of No 7 May Terrace. I note that a previous outline application for two dwellings on this site was refused in 2015¹.
10. Within the immediate vicinity of the site there is a mix of housing types and styles reflecting different periods of residential development. It includes circa Victorian houses on May Terrace, the 1930s ribbon development along Dodworth Road and the more contemporary small housing estates to the rear of Dodworth Road, dating from the 1970s onward. This creates a pattern of modestly dense housing running both parallel with and at 90 degrees to Dodworth Road. However, the grain of development is characterised by these houses presenting a direct frontage to a road in typically linear plots; they are generally set back from the highway behind a garden/driveway with a garden to the rear. The three detached houses on Westbourne Terrace, approved in 2013², also follow this arrangement, fronting a road that forms a continuation of Westbourne Terrace.
11. I appreciate that scale, appearance, landscaping and layout are reserved matters. Nevertheless, the proposal would still be a single detached dwelling within a large rectangular site, in variance to the typically more tight-grain linear plots that surround it. Moreover, whilst the site would sit at a lower level to surrounding development, it would still be visible from the adjoining dwellings. Its failure to front a highway and lack of street presence would, in my view, be at odds with the form of surrounding houses. It would therefore appear as an incongruous ad-hoc development that would not be responsive to local character.

¹ Council ref: 2015/1386

² Council ref: 2013/1163

12. When standing on the appeal site, I could see the flank elevations of the houses on Rosedale Gardens, which are set-back a similar distance from Dodworth Road as the appeal site. However, these houses also directly front the highway.
13. This land between the appeal site and Rosedale Gardens comprises the long rear gardens of houses on Dodworth Road. I saw on my site visit that one of these rear gardens has a double gate onto Rosedale Gardens. The Council identify access options in this regard and the potential for the appeal site, together with these extensive gardens, to form a larger development plot.
14. I appreciate the appellant's view that it may be unrealistic that six landowners would work together to comprehensively develop their back gardens. Nevertheless, the New Housing Development SPD, in regards to infill and backland proposals, states that it should not be piecemeal and should not prejudice comprehensive development of a larger area of land. The appeal proposal would deliver one dwelling in isolation and also without a road frontage. In this site context, it would, in my view, be piecemeal as a result.
15. For these reasons, I conclude that the proposal would result in harm to the character and appearance of the area, contrary to Policies H4, GD1 and D1 of the BLP. These policies seek to ensure that development should be of a high quality that respects and reinforces local character, whilst not adversely affecting opportunities for development of wider areas of land. It would also be contrary to guidance within the National Planning Policy Framework (the Framework) to achieve good design as well as guidance within the New Housing Development SPD.

Safe and suitable access

16. The access to the site from May Terrace would, in part, constitute a single lane carriageway capable of accommodating one-way traffic flows without any segregated pedestrian facilities. It would also include a section of un-adopted highway adjacent to the side elevation of No 29 May Terrace. I appreciate that this is the existing arrangement but May Terrace is of an age that it was not designed to modern highway standards.
17. Even taking into account the previous uses of the appeal site referred to by the appellant, including for parking, the appeal scheme would be different. It would introduce a dwelling with associated regular traffic movements, which would be likely to include refuse, delivery vehicles as well as access for emergency vehicles. These would also typically be larger than a caravan, which I noted opposite the flank elevation of No 26 May Terrace.
18. I appreciate that bin lorries presently collect refuse from the widest point of May Terrace. For this reason, the indicative layout shows that a bin store would be sited towards the north-west corner of the site to reduce the bin carry distance as far as possible. I also note the intention for integrated recycling but it would still result in the need for bins to be collected. The bin carry distance would, in my view, not only be significant but it would also be uphill, impacting upon the ease and accessibility with which the bins could be moved. Whilst existing properties on May Terrace may already have to take their bins to the top of the street, this is a consequence of historic development rather than intentional design.

19. I acknowledge that the appellant considers that a fire truck could reach the bottom of May Terrace, which is approximately 48 metres from the eastern boundary of the appeal site. Furthermore, the Building Regulations cited by the appellant states that there should be vehicle access for a pump appliance (rather than a hose) within 45m of all points within the dwellinghouse. I appreciate that the proposal would include a sprinkler system, which could permit a longer response time for fire vehicles. However, from what I saw on my site visit, May Terrace is single width and I have nothing before me to illustrate how access for emergency vehicles or other large vehicles, including turning and manoeuvring provision, might be facilitated in a safe and convenient manner.
20. For these reasons, I conclude that the proposal would fail to provide a safe and suitable access contrary to Policies T4 and D1 of the BLP. These policies expect new development to be suitably served by the existing highway and to be designed with safe, secure and convenient access and movement, as well as providing an accessible and inclusive environment for users. These policies are consistent with guidance at paragraph 109 of the Framework, which seeks to resist development that would have an unacceptable impact on highway safety. The proposal would also conflict with the Framework's aim of achieving safe and suitable access to sites for all users and allowing for the efficient delivery of goods and access by service and emergency vehicles.

Living conditions of adjoining occupiers

21. I appreciate that the proposal would change the character of the site from one that is presently undeveloped, albeit acknowledging some ad-hoc use by the appellant, to a residential dwelling. This would result in some noise and disturbance associated with residential activity and vehicular movements.
22. However, with regard to the proximity of the proposal to May Terrace, the Council are satisfied that with regard to separation distances between existing dwellings, the proposal would be capable of observing guidance within the New Housing Development SPD. Based upon the information before me, I am therefore not persuaded that the level of activity generated by one dwelling, including traffic movements, would be so harmful to the residents of the adjoining houses on May Terrace so as to make the proposal unacceptable.
23. Therefore, I conclude that the proposal would not be harmful to the living conditions of adjoining occupiers on May Terrace by reason of noise and disturbance. It would accord with Policy GD1 of the BLP, which requires that new development shall not adversely affect the living conditions of existing occupiers.

Conclusion

24. The Government seeks to boost significantly the supply of housing. The appeal site lies within a built-up area where residential development in this accessible location is acceptable in principle. Furthermore, whilst the site presently has an open character rather than appearing unduly neglected, I recognise that the proposal would make better use of the land. These factors weigh in the scheme's favour.
25. However, in my view, the lack of a safe and suitable means of access and the harm the proposal would cause to the character and appearance of the area

outweigh the benefits of providing one extra unit, which would have a minimal impact on the total housing stock.

Conclusion

26. For this reason, I therefore conclude that the appeal should be dismissed.

Kate Mansell

INSPECTOR