



## Appeal Decision

Site Visit made on 24 November 2020

**by William Cooper BA (Hons) MA CMLI**

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

**Decision date: 17 February 2021**

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**Appeal Ref: APP/R4408/W/20/3253900**

**Woodstock Road, Barnsley S75 1DX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
  - The appeal is made by Mr S Clayburn against the decision of Barnsley Metropolitan Borough Council.
  - The application Ref: 2019/1262, dated 9 October 2019, was refused by notice dated 21 April 2020.
  - The development proposed is demolition of 49 Woodstock Road and residential development of 3 no. dwellings (Outline with all matters reserved apart from means of access).
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. During the course of the application, the appellant amended the property to be demolished from No. 51 to 49 Woodstock Road and changed the proposed number of houses from six to three. To reflect these changes, the address and description of development in the banner heading above is taken from the appeal form and decision notice, not that shown on the application form.
3. The planning application was submitted in outline with all matters of detail reserved for future consideration save for the access. I have assessed the proposal on this basis and treated the drawings as simply being an illustration of how the proposal could ultimately be configured.

### Main Issues

4. The main issues are:

- whether the proposal would provide safe and suitable site access;

and the effect of the proposed development on

- the character and appearance of the area, including trees;
- biodiversity; and
- the living conditions of neighbouring occupiers.

### Reasons

#### *Site access*

5. The proposed access would be located close to that of Woodstock Gardens, which is a cul-de-sac with six detached dwellings. The accesses would be

separated by an existing soft landscaped strip alongside the Woodstock Gardens entrance driveway.

6. From what I saw during my site visit, albeit a snapshot in time, Woodstock Road is an apparently lightly trafficked residential estate road with a 30mph speed limit. The appeal site is located around two thirds of the way down the street, some distance from the junction with the A635. The technical note submitted by the appellant's highways consultant indicates a good road safety record in the vicinity of both the Woodstock Gardens entrance and current driveway at No. 49 Woodstock Road, and a number of similarly closely located pairs of driveway accesses in the borough.
7. As such, the proposed access would be similarly located and configured to that at Woodstock Gardens - which has an apparently safe highway record - while serving half as many dwellings. The proposal for three dwellings is unlikely to generate a significant increase in traffic volume within this suburban context. Furthermore, it is likely that off-street parking for the proposed dwellings would avoid pressure on on-street parking in the vicinity of the site.
8. The Council is concerned that the proximity of the proposed cul-de-sac access to Woodstock Gardens, and the road's sloping topography would result in constrained visibility and unsafe access. However, the combination of factors described above indicate that the proposal would provide safe access for drivers and pedestrians accessing and passing the appeal site, and on the surrounding highway network.
9. The swept path analysis indicates that the proposed development would accommodate a turning head large enough for service vehicles including a refuse lorry to access the proposed cul-de-sac. However, the Council's highways team advises that the authority would not adopt a development of five houses or less, and therefore refuse collection would not be carried from within the development but from a refuse collection area close to the adjoining public highway. Judging by the indicative site layout, the proposed houses would have a 'man carry distance' (MCD) for future occupants' bins to street collection point of around twice or more than the 30m maximum that is recommended in the Barnsley Design of Housing Development Supplementary Planning Document (2019) (HSPD).
10. Therefore, it is not shown that the refuse collection service would in practice manoeuvre a large bin lorry in and out of the proposed three dwelling cul-de-sac. Consequently, there would not be a demonstrably practical and realistic refuse collection arrangement for the proposed development.
11. In conclusion, the proposed access would be safe in highway terms. Thus it would not conflict with Transport Safety Policy T4 of the Barnsley Local Plan (2019) (LP). However, the proposed development would fail to provide suitable access for refuse collection. This would conflict with the guidance in paragraph section 24.1 of the HSPD and would fail to constitute high quality design which is required by Policy D1 of the LP. Furthermore, the extent to which the proposed MCD would exceed that recommended in the HSPD would undermine the objective of securing suitable refuse collection arrangements on future residential development in Barnsley borough. As such, the proposal would result in moderate harm in terms of suitability of access.

12. The conflict with Policy D1 of the LP would further result in conflict with Policy H4 of the LP, which requires residential development on sites below 0.4 hectares to comply with other relevant policies in the Local Plan.

*Character and appearance*

13. The appeal site comprises a bungalow and three houses in a row from odd Nos. 49 to 55 Woodstock Road, and their garden areas. Much of the site comprises these properties' rear gardens. These gardens form part of a substantial rectangle of rear garden space in the southern half of a 'frame' of residential streets delineated by Woodstock Road, Woodstock Gardens, Devonshire Drive, and Melvinia Crescent.
14. Woodstock Road is a relatively straight road characterised by mainly earlier twentieth century two-storey red brick houses, which are predominantly semi-detached, interspersed with some detached dwellings. Woodstock Road slopes down in an approximately southerly direction and its hillside topography - with wider views out to the landscape beyond - adds a sense of spaciousness and variety of building and vegetation profile to the local townscape. Front gardens further contribute spacious character to the streetscene of Woodstock Road.
15. The hillside topography also adds variety and spaciousness to vistas from other streets in the vicinity including Woodstock Gardens, Devonshire Drive and Melvinia Crescent. These streets have a later twentieth century character, with mainly detached bungalows and some houses. Together, this more recent housing development adds variation to the local character mix, compared to the more linear pattern of rows of houses fronting onto Woodstock Road. This variation includes examples of cul-de-sac development and a more meandering road layout. It also includes more compact rear gardens than exist at the residences on the appeal site.
16. The above together results in a hybrid earlier and later twentieth century residential suburban character, with associated variety of layout and style. Hillside topography adds further variety and spaciousness of vista.
17. The proposal would result in reduction of rear gardens behind a row of four dwellings, with associated reduction in verdancy and spaciousness due to new houses and hard surfacing. The dwellings would also not front onto Woodstock Road and would locate two cul-de-sac entrances close together, separated by a soft landscape strip.
18. That said, the existing rear gardens on the site are particularly long for the neighbourhood and do not appear to be easily maintainable. Furthermore - while the layout, scale and design of the proposed dwellings are not finalised within this outline proposal - judging by the indicative layout it is likely that a) the proposed new dwellings would have sufficiently sized rear gardens, and b) Nos. 51, 53 and 55 Woodstock Road would retain substantial areas of garden space, around 10m deep at the front and more than 20m deep to the rear.
19. Given the context of variation in local character, and the relatively substantial impression of verdant and spacious suburban character that would remain, the proposal would assimilate acceptably into the neighbourhood in terms of character and appearance.

20. The arboricultural report and impact assessment submitted by the appellant with the appeal shows that the trees on site are generally smaller, lower value, semi-mature garden trees. Judging by the indicative layout it is likely that while most would be removed, there would be scope for new garden tree planting of substance, with seasonal and wildlife interest as part of a landscape scheme, which could be secured by planning condition. This would help to visually soften the scheme and contribute longer term to the attractive local characteristic of tree canopies visible among the buildings on the hillside terrain.
21. The Council is concerned that generally backland development 'can progressively erode' an area's character. However, this does not automatically mean that a specific backland development proposal would be harmful to local character and appearance. For the reasons outlined, I find that such harm would not occur in this instance.
22. The current appeal proposal differs in several ways from the 2016 scheme which was dismissed on appeal<sup>1</sup>, including for character reasons. The comparatively enlarged site includes part of No. 51's rear garden, and No. 49's plot which were not included in the 2016 scheme. As such, the current proposal is for less houses on a larger site and has a different layout.
23. These differences and my above findings lead me to conclude that, unlike the 2016 scheme, the proposal would not harm the character and appearance of the area. As such, it would not conflict with Policy D1 of the LP which seeks to ensure that development complements local character.
24. The HSPD allows for the possibility that backland development would be acceptable. Given my above findings, the proposal would not conflict with the HSPD in terms of character and appearance.

### *Biodiversity*

25. The preliminary ecological appraisal submitted by the appellant with the appeal indicates that while some suburban garden vegetation clearance would occur, there is scope to mitigate this through an imaginative scheme of landscaping, including wildlife-friendly planting and hedgehog-friendly design of boundaries and fencing. There is also scope for measures such as in-situ bat boxes and house sparrow boxes to be integrated into the proposed buildings' fabric. Such mitigation and appropriate seasonal limitation on timing of clearance work could be secured by condition. Therefore, the proposal would provide opportunity to enhance biodiversity on new development, thus according with Policy BIO1 of the LP.

### *Living conditions of neighbouring occupiers*

26. Judging by the indicative layout, the modest scale of vehicular movement arising from the three dwelling cul-de-sac is unlikely to be discordantly intrusive to neighbouring properties, within the residential suburban context. There is also scope for boundary design - including to Nos. 51, 53 and 55 Woodstock Road - and site layout at a subsequent stage to focus on minimising vehicular disturbance.

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<sup>1</sup> Appeal Ref: APP/R4408/W/16/3151254.

- 27. It is also likely that the fenestration, orientation, layout and landscaping of the proposed dwellings could, in combination with the hillside topography, be designed so as to protect the privacy of neighbouring and future occupants.
- 28. Construction phase activity could be suitably controlled through a construction management plan.
- 29. Therefore, the outline proposal would not conflict with Policy GD1 of the LP, which seeks to ensure that, among other things, development safeguards the living conditions of residents.

### **Planning Balance and Conclusion**

- 30. The lack of harm in terms of character and appearance, biodiversity and living conditions of neighbouring occupiers are neutral factors which do not weigh in favour of the proposed development.
- 31. The proposal would contribute modestly to local housing supply in the form of three new dwellings, with associated socio-economic benefit to the area during and after construction. The benefit would be limited by the scale of the proposed development and would not outweigh the identified harm and conflict with the development plan.
- 32. Accordingly, for the reasons given, the appeal fails.

*William Cooper*

INSPECTOR