



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)'.
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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