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# Appeal Decision

Site visit made on 4 July 2017

**by Siobhan Watson BA(Hons) MCD MRTPI**

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

**Decision date: 15<sup>th</sup> August 2017**

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**Appeal Ref: APP/R4408/W/17/3172607**  
**102 Sackville Street, Barnsley, S70 2BX**

- 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 Akbar Sharif against the decision of Barnsley Metropolitan Borough Council.
  - The application Ref 2016/1080, dated 29 August 2016, was refused by notice dated 25 November 2016.
  - The development proposed is the conversion of the existing garage to a bungalow.
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## Decision

1. The appeal is allowed and planning permission is granted for the conversion of the existing garage to a bungalow at 102 Sackville Street, Barnsley, S70 2BX in accordance with the terms of the application, Ref 2016/1080, dated 25 November 2016, subject to the conditions in the attached Schedule.

## Procedural Matter

2. The plans indicate an area for a "future garage" but as this area is shown by a dotted line and marked as being for the future, I have treated the reference to a garage as being for indicative purposes and not as part of the current appeal proposal.

## Main Issues

3. The main issues are the effects of the proposed development upon (i) highway safety, with particular regard to car parking and access; (ii) the living conditions of the occupiers of neighbouring dwellings; and (iii) whether the proposal would preserve or enhance the character or appearance of the Barnsley Victoria Road Conservation Area.

## Reasons

### *Highway Safety*

4. The proposed bungalow is currently a four-car garage which was constructed to serve the residents of 102 and 104 Sackville Street. These two properties are 9 and 6 room houses in multiple occupation (HMOs) within the same ownership as the appeal site. The proposal would leave the HMOs with two parking spaces between them. The Council says that the parking requirement for the two HMOs is five spaces. Currently, at least five cars can be accommodated within the site.

5. The Council's *Supplementary Planning Document: Parking* (SPD) expresses its car parking standards as the "Maximum numbers of spaces allowed" which means that the required provision is no more than five spaces, not no fewer than five spaces. The SPD explains that the restriction of parking facilities within developments has an effect on the choice of transport, promoting more sustainable choices. As the parking standards are maximum standards there would be no conflict with the Council's Parking SPG.
6. The Council argues that if there are only 2 parking spaces for the HMOs, parking would be displaced onto nearby residential streets. However, I noted at my visit that there are double yellow lines on the road outside the site and therefore, any displaced parking would be dispersed further afield. The numbers of cars involved would be small and no evidence has been presented to explain how or where displaced parking would harm highway safety. I note the Council agrees that sufficient car parking would be provided for the bungalow itself.
7. The bungalow would be accessed through a narrow ginnel which is so narrow that there is no space for pedestrians to pass at the same time as a car. That said, due to the narrow width and short length of the ginnel, cars could only pass slowly through it. Therefore, I consider that the risk to pedestrian safety in the ginnel is extremely limited. Moreover, given that the proposal would not increase the number of car parking spaces within the site, it is unlikely that it would result in a more intense use of the ginnel. In addition, the visibility at the access is good in both directions.
8. I therefore conclude that the proposal would not harm highway safety. Consequently, I find no conflict with Barnsley Unitary Development Plan (UDP) Policy H8D or Core Strategy Policy CSP 26 which seek to ensure that development, including backland development, has safe, secure and convenient access for all road users and does not create traffic problems.

#### *Living Conditions*

9. The building is within a residential area and partially surrounded by the gardens to other dwellings. The site is large and the bungalow would have generous outdoor space so that the future occupants would not be "up close" with the occupants of the adjoining houses. The site's boundaries are well screened to provide privacy between gardens and the building is orientated in such a way as to avoid unacceptable overlooking.
10. The existing building is a four-car garage which can already attract the comings and goings of people and their cars. I do not consider that a single dwelling would result in additional activity significant enough to cause any material harm, in terms of noise and disturbance, to adjoining occupants.
11. I therefore conclude that the proposed dwelling would not harm the living conditions of the occupiers of neighbouring dwellings. Consequently, I find no conflict with UDP Policies H8A and H8D which seek to protect residential amenity, including where backland development is proposed. Neither do I find conflict with the Council's *Supplementary Planning Document Designing New Housing Development* (Housing SPD) which has similar objectives.

### *Character and Appearance of the Conservation Area*

12. Part of the site is within the Barnsley Victoria Road Conservation Area which is characterised by dense urban development, including linear streets of terraced houses with some larger properties along the main roads. Stone elevations are a strong feature of the area. The part of the site included in the conservation area contains the ginnel access and the area indicated for a future garage.
13. Changing the use of the building, whilst involving some elevational alterations and some minor changes to the garden areas of the site, would not have any material impact upon the appearance of the area, especially as the site is screened from the street. The area is residential in nature and the age, style and form of surrounding properties is diverse. The elevational changes to the building would not look out of place within this context. I appreciate that the proposal would introduce a separate residential unit to the rear of the existing properties, but this would not change the fundamental character or appearance of the area as the building itself is already there and the residential use of the area is already established.
14. Therefore, I conclude that the proposed development would preserve the character and appearance of the conservation area. Consequently, I find no conflict with CS Policies CSP 29 and CSP 30 which indicate that development should respect the townscape character of an area and protect the historic environment.

### **Other Matters**

15. The Housing SPD says that long, narrow private drives which would result in excessive "man carry distances" should be avoided. However, the Housing SPD does not elaborate on what a "man carry" is. The Council's statement refers specifically to putting bins out for collection. However, I have no evidence that bins need to be carried rather than wheeled. Therefore, I am unconvinced that the length of the drive would cause any real problems for the occupants. The Housing SPD also says that tandem development, with one dwelling directly in front or behind another sharing the same access, will almost always be resisted but for the above reasons, I find the development to be acceptable.
16. I have had regard to representations from interested parties. There are no proposals to remove trees as part of the conversion works. I note comments in respect of litter but I have no convincing evidence that the dwelling would generate litter and I did not note any litter around the site at my visit.

### **Conditions**

17. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition it is necessary, in the interest of precision, to define the plans with which the scheme should accord. In the interests of highway safety, I have imposed a condition in respect of the provision of the vehicular access and car parking. In the interests of living conditions I have attached conditions restricting the hours of construction and preventing a window in the side elevation of Bedroom 2. In the interests of visual amenity I have imposed conditions in relation to materials and boundary treatment.
18. I have not imposed a condition in relation to surface drainage because the building already exists and therefore, such a condition would not pass the test

of necessity. I have not imposed a condition in respect of foul drainage as there is other legislation to deal with such matters. I have not removed permitted development rights as the Planning Practice Guidance<sup>1</sup> advises that this should only be done in exceptional cases and no such exceptional circumstances have been advanced by the local planning authority.

### **Conclusion**

19. For the above reasons, I allow the appeal subject to the conditions below.

*Siobhan Watson*

INSPECTOR

### **Schedule**

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Site Layout Plan; Plans & Elevations Rev A.
- 3) The external facing materials shall match those of the existing building.
- 4) The dwelling shall not be occupied until the means of vehicular access and parking areas, including the parking spaces for the HMOs shown within the blue edge, have been laid out in accordance with the approved plans. The access and parking areas shall be formed of a bound material and shall be drained so that surface water does not discharge onto the highway. The access and parking area shall be retained as such thereafter.
- 5) No windows shall be inserted into the first floor southern side elevation (marked at bedroom 2) at any time.
- 6) No construction work associated with the implementation of this permission shall take place outside of the following times:  
08:00 – 18:00 hours on Mondays - Fridays  
09:00 – 14:00 hours on Saturdays  
There shall be no construction work at any time on Sundays or on Bank or Public Holidays.
- 7) The dwelling shall not be occupied until a scheme for the provision of boundary treatment has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The boundary treatment shall remain thereafter.

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<sup>1</sup> Paragraph: 017 Reference ID: 21a-017-20140306