

Appeal Decision

Site visit made on 15 September 2015

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 02 November 2015

Appeal Ref: APP/R4408/W/15/3028022

Thurlstone House, Towngate, Thurlstone S36 9RH

- 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 Ms Helen Smith against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2014/1160, dated 29 September 2014, was refused by notice dated 20 January 2015.
 - The development proposed is a new dwelling within garden curtilage including a double garage.
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Decision

1. The appeal is dismissed.

Procedural

2. The application was submitted in outline, with only access and scale to be determined at this stage. I have dealt with the appeal on that basis.

Main Issues

3. The main issues are:
 - Whether the proposal would preserve or enhance the character or appearance of the Thurlstone Conservation Area.
 - The effect of the proposal on the living conditions of the occupiers of Thurlstone House, 11 and 11a Towngate with particular regard to outlook, privacy and noise and disturbance.

Reasons

Conservation Area

4. The appeal site comprises the lower part of the rear garden area of a large detached house located on Towngate, within the Thurlstone Conservation Area. The conservation area is characterised by properties sited in close proximity to roads, with extensive rear gardens. This tightly knit urban form lies in contrast to the expansive character of the surrounding open countryside. The eastern side of Towngate in particular is characterised by buildings of simple form, in a compact cluster with large gardens to the rear. These large gardens are of generous proportions, resulting in a gradual and unfettered amalgamation into open countryside.

5. The appeal proposal would result in the provision of a large, two-storey detached dwelling within the rear garden of Thurlstone House. I note that the Council have raised no concerns with the indicative design or appearance of the proposal. However, the overall height and scale of the dwelling would present a significant incursion into the rear garden of Thurlstone House, eroding the expansive nature of the grounds. It would create an incongruous feature in this part of the conservation area, resulting in a significant built presence within an otherwise open and expansive area to the rear of the properties on Towngate. Whilst there are other examples of buildings behind the frontage, they generally appear as subservient outbuildings. The appeal proposal would, in contrast, appear as a dominant and obtrusive presence.
6. I note there are dwellings along The Green which run perpendicular to Towngate and extend behind the frontage. However, they provide a sense of disparity, acting as a marker as Towngate turns north-west and the consistency in the overall pattern begins to diminish. In contrast the proposal would introduce a dwelling set back significantly from the frontage which would fail to respond to the compacted nature of the built form fronting onto Towngate.
7. As a result, the proposal would fail to preserve or enhance the character and appearance of the Thurlstone Conservation Area, in conflict with the design and heritage aims of policies CSP29 and CSP30 of the Barnsley Local Development Framework Core Strategy 2011.
8. When considered within the wider context of the conservation area, the harm to the character and appearance of the Thurlstone Conservation Area would be less than substantial. In accordance with paragraph 134 of the National Planning Policy Framework (the Framework), the public benefits of the scheme must be weighed against the harm identified.
9. I acknowledge the sustainability credentials of the appeal site and that it would make a very modest contribution to the housing supply within the borough. However, the public benefit of one additional dwelling house would be insufficient to outweigh the harm identified. The proposal therefore fails to accord with the presumption in favour of sustainable development set out in paragraph 14 of the Framework.

Living Conditions

10. The proposal would be sited to the rear of the main elevation of Thurlstone House. Although layout is a reserved matter, indicative plans show separation distances of around 60m to the appeal site. The proposal would be accessed via the existing vehicular opening onto Towngate, with the creation of a long private drive around 60m in length, running parallel to the shared boundary with 11 and 11a Towngate.
11. The proposed driveway would pass closely to a kitchen window in the ground floor side elevation of Thurlstone House, as well as its main garden area. The driveway would also directly abut the gable ends of 11 and 11a Towngate, as well as the side boundaries of their outdoor space. Although there are no windows in the side elevation of those properties, vehicles would pass in close proximity to the main windows found in the rear of both properties, as well as their outdoor seating areas.

12. The main windows and outdoor seating area of 11 Towngate face out onto a courtyard currently used for parking and access by No 11a and No 9a. Whilst occupiers currently experience some level of disturbance as a result, it would be exacerbated by the comings and goings associated with vehicles from the appeal site.
13. I recognise that vehicular movements from a single dwelling would be relatively low. Nevertheless the element of driveway closest to the neighbouring properties is that closest to the main road, where vehicles would be stationary for a time when exiting the site. In addition, vehicles would manoeuvre into and out of the site in close proximity to Thurlstone House and No 11. As a result, the noise from those vehicular movements, generated in close proximity to the neighbouring properties would likely cause an unacceptable level of disturbance to the occupiers of those properties.
14. The proposal would feature strongly within the outlook from the main windows of Thurlstone House. However, Thurlstone House is set at a higher level than the appeal site and the separation distances of around 60m far exceed the external spacing standards of 21m set out in the Council's SPD. The distances to other properties, including No 11 and No 11a would also exceed those standards. As a result, the proposal would not result in a loss of privacy or outlook for neighbouring properties.
15. Whilst I find no harm in respect of privacy or outlook, the proposal would have a harmful effect on the living conditions of the occupiers of Thurlstone House, 11 and 11a Towngate with particular regard to noise and disturbance, contrary to saved policy HD8 of the Barnsley Unitary Development Plan 2000 which seeks to restrict tandem development where it results in harm to residential amenity.

Conclusions

16. For the reasons given above I conclude that the appeal should be dismissed.

Jason Whitfield

Inspector