



## Appeal Decision

Site visit made on 18 July 2023

**by S Pearce BA(Hons) MPlan MRTPI**

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

**Decision date: 16 August 2023**

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**Appeal Ref: APP/R4408/D/23/3316693**

**10 Acorn Avenue, Thurnscoe, Barnsley S63 0AU**

- 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 Tamas Orosz against the decision of Barnsley Metropolitan Borough Council.
  - The application Ref 2021/0427, dated 23 March 2021, was refused by notice dated 24 November 2022.
  - The development proposed is a detached outbuilding in rear garden.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The original description included reasons why the development had been carried out. As they are not acts of development, I have not included them in the description of development detailed in the above heading. I have however had regard to them in reaching my decision.
3. While development had been constructed at the time of my visit, it does not replicate that shown on the submitted plans. I need to consider the appeal based on the development applied for and the plans submitted with it.

### Main Issues

4. The main issues are the effect of the proposed development on:
  - The character and appearance of the area and host property, and,
  - The living conditions of existing occupiers of neighbouring properties, particularly 8 and 12 Acorn Avenue, with regard to privacy and light.

### Reasons

#### *Character and appearance*

5. 10 Acorn Avenue is located within a terraced row of properties, sited back-to-back with other terraced properties. No 10 and neighbouring properties have relatively open frontages with modest rear gardens, enclosed largely by timber fencing or brick walls. There are views of these rear gardens from neighbouring roads at the end of the terrace row. Many surrounding properties contain outbuildings within their rear gardens. Due to the modest height of these outbuildings, they appear as ancillary structures to their host properties and are only partially visible above existing boundary treatments. This layout creates a sense of openness between and around the properties. It is the

property layouts and modest, ancillary outbuildings that contribute to the character and appearance of the area.

6. The height of the proposed outbuilding is such that it would project significantly above the boundary treatments surrounding the appeal site and be noticeably taller than neighbouring outbuildings. The design of the proposed outbuilding, which incorporates first floor windows, staircase and balcony, would further emphasise its overall height and dominance and increase its massing. As a result of its height, design and massing, the proposed outbuilding would not appear as an ancillary building and would detract from, and compete with, No 10. For these same reasons, it would also result in a dominant and incongruous feature, that would erode the openness of the appeal site, to the detriment of the prevailing character of the area.
7. The proposed materials would match those used in other domestic outbuildings within the area and, as such, would be in keeping with the character of the area. However, the use of appropriate materials would not be sufficient to overcome the harm I have identified.
8. For these reasons, I conclude the proposed development would have an unacceptable harmful effect on the character and appearance of the area and host property, contrary to Policy D1 of the Barnsley Local Plan Adopted 2019 (LP) and the guidance within the Supplementary Planning Document: House Extensions and Other Domestic Alterations Adopted 2019 (SPD). Collectively, these seek, among other things, to ensure development is of a high quality design, complements and enhances the character and setting of distinctive places, that outbuildings are of a scale and design that harmonises with the existing building and maintains the character of the street scene. It would also conflict with the design aims of the National Planning Policy Framework (the Framework).

#### *Living conditions*

9. It is not uncommon in residential areas for views into neighbouring gardens being permissible from the upper floors of properties. Having regards to the layout, separation between and height of neighbouring properties, there is a degree of overlooking of the rear gardens of the properties along Acorn Avenue and those surrounding the appeal site.
10. The proposed development would be located in the rear garden of No 10. The proposed balcony and windows serving the outbuilding would provide direct views into the adjacent private rear gardens of neighbouring properties 8 and 12 Acorn Avenue. Having regards to this, together with the close proximity of the proposed outbuilding to these properties, the occupiers of Nos 8 and 12 would experience an unacceptable loss of privacy.
11. The orientation, siting and height of the proposed outbuilding is such that any overshadowing would only affect a small area of No 12's rear garden, for relatively short periods of the day. On this basis, there would be no significant impact on daylight or sunlight reaching the garden or the ability of occupants to enjoy the space.
12. For these reasons, I conclude that the proposed development would have a harmful effect on the living conditions of existing occupiers of Nos 8 and 12 with regard to privacy. However, it would not affect the living conditions of

existing occupiers of No 12 with regard to light. Nevertheless, the effect on the privacy of existing occupiers of Nos 8 and 12 means that there would be conflict with LP Policy GD1 and the guidance within the SPD. Collectively, these seek, among other things, to ensure that proposals for development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing residents or neighbouring properties. It would also conflict with the Framework, which seeks to create a high standard of amenity for existing users.

### **Other matters**

13. I understand that the proposed works seek to modify an existing shed, as part of a lockdown project, by raising its height to provide a 'treehouse' for the appellant's child to play in. There are benefits for the appellant and their family as a result of the works proposed. However, these benefits do not outweigh the harm identified to the living conditions of existing occupiers, with regard to privacy, or the character and appearance of the area.

### **Conclusion**

14. For the above reasons I conclude that, while the proposal would not harm the living conditions of existing occupiers with regard to light, the harm I have identified to the character and appearance of the area and living conditions of existing occupiers, with regard to privacy, is determinative. Therefore, the appeal proposal would conflict with the development plan as a whole. There are no material considerations that indicate I should conclude other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

*S Pearce*

INSPECTOR