Appeal Decision

Site visit made on 1 December 2008

by F M Ellwood BA(Hons) BTP MRTPI

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

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Decision date:
5 January 2009

Appeal Ref: APP/R4408/A/08/2081742

323 and 325 Burton Road, Monk Bretton, Barnsley, S71 2QF

- 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 Go For It (Europe) Limited against the decision of Barnsley Metropolitan Borough Council.
- The application Ref: 2008/0207 dated 31 January 2008 was refused by notice dated 28 March 2008.
- The development proposed is the construction of two flats over existing single storey shops.

Decision

1. I allow the appeal and grant planning permission for the construction of two flats over the existing single storey shops at 323 and 325 Burton Road, Monk Bretton, Barnsley, S71 2QF in accordance with the terms of the application Ref: 2008/0207 dated 31 January 2007 and the plans submitted therewith, subject to the following conditions:

    1. The development hereby permitted shall begin not later than three years from the date of this decision.

    2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

    3. No development shall take place until full details for the drainage of the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reasons

2. The main issues are firstly the effect of the proposal on the living conditions for the occupants of 321b Burton Road in relation to outlook and light. Secondly on the street scene.

Living conditions

3. The existing building comprises two single storey shop units fronting the main road. Vehicular access to the west serves three dwellings to the rear. The nearest is 321b Burton Road, a small bungalow. Planning permission was previously granted, in November 2004 for an extension above the shops to form two flats. The main difference between the proposal before me and the previously approved scheme would be an increase in width by around 4 metres

to the first floor flats to extend them over the access. I note that the overall height of the structure would increase around half a metre. The permission for 321b Burton Road was allowed on appeal in 2005 after the permission for the flats had already been granted. This is a material consideration on this appeal which I find limits my consideration to the difference between the schemes.

4. The bungalows principle windows are to the east across its garden and on its front elevation facing west. The north side elevation nearest the extension contains only one door. Due to the orientation to the North West, the additional width of the extension would not overshadow the bungalow. As such there would be no loss of light to the principle rooms as suggested by the Council. There would be a small amount of overshadowing to the corner of the garden at the end of the day. However, I do not consider this would be materially harmful to the living conditions for the occupants.

5. The approved permission for the flats would introduce a building with significantly increased height and bulk within a short distance of the bungalow and its garden. The further slight increase in height of this proposal would not to my mind make a significant difference. The additional width would be further from the bungalow than the extension already approved. Moreover, the bungalows main open outlook on its west and east elevations would not be effected by the proposal. Consequently I find the extension would have very little impact on the resident's enjoyment of their bungalow and garden. For these reasons I do not consider the development would have the overbearing effect described by the Council. I conclude on this first issue that the proposal would not have a materially harmful effect on the living conditions for the occupants of 321b Burton Road in relation to outlook and light.

Street scene

6. I appreciate the proposal would result in a building occupying the full width of the plot. However, I saw on my visit that there is a wide variety of building size and design in the vicinity of the appeal site. Moreover, the spaces between the buildings vary. On the east side of the site a small gap between the building and 327 Burton Road would be retained. The adjacent site to the west contains a small single storey structure which is a gas governor. As such there is a significant visual break providing an open setting on the west side of the proposed development. For these reasons I do not consider the site would appear cramped or overdeveloped.

7. The Council say the building would appear out of proportion and would not be symmetrical. However, I consider it would have a symmetrical design with a central gable feature at first floor and three equal size divisions at ground floor, two of which would be the existing shops with the third forming the arched access. Whilst it would be a larger building than its neighbours I do not consider this would be materially harmful given the variety of property size which already exists along Burton Road. As such the building would not appear unduly prominent. I conclude on this second issue there would be no material harm to the street scene.

8. The Council suggest a number of conditions which I agree are appropriate to impose. However, I have reduced the wording of these to what I consider to be

strictly necessary. I have considered all other matters raised but find nothing which alters the balance of my conclusions that the appeal should be allowed. I find no conflict with Policy BE6, H8A or H8D of the Barnsley Unitary Development Plan 2000 or the Council's Supplementary Planning Guidance 2003.

design?

Fiona Ellwood

INSPECTOR