



Appeal Decision

Site visit made on 17 March 2008

by **P J Asquith** MA (Hons) MA MRTPI

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

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Decision date:
2 April 2008

Appeal Ref: APP/R4408/A/08/2063097 **6 High Street, Thurnscoe, Barnsley, S63 0ST**

- 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 B Moffatt against the decision of Barnsley Metropolitan Borough Council.
- The application Ref. 2007/0954, dated 9 April 2007, was refused by notice dated 17 July 2007.
- The development proposed is the construction of a detached dwellinghouse.

Decision

1. I dismiss the appeal.

Procedural Matter

2. The application was in outline but with siting and means of access to be considered. Although reference has been made in the appellant's appeal statement to the possibility that the proposed dwelling could take a number of forms, including that of a bungalow or a dormer bungalow, it is clear from the application form that the scheme was for a detached house. Plans accompanying the application showed a detached two-storey house. It has been stated that these plans are indicative, and, in terms of design, external appearance and room configuration I have treated them as such. However, for the avoidance of doubt, I have dealt with this appeal on the basis that it is for a two-storey house with siting and means of access as shown on the application plans.

Main issues

3. I consider that the main issues in this case are the effect of the proposal on the appearance and character of the locality and its impact on the living conditions of adjoining occupiers.

Reasons

4. The proposed dwelling would be sited within the rear garden of the substantial detached house, No. 6 High Street. Access to the dwelling from High Street would be via a driveway to the side of No. 6, which presumably would necessitate the demolition of the existing double garage to its western side. As shown, the proposed dwelling would occupy much of the width of the rear garden, which backs onto a cricket ground beyond a boundary of tall coniferous

hedging. At its closest point it would be some 14 metres from the rear of No. 6 and about 15 metres from the rear of No. 8, the adjacent detached house. The varied properties within this part of the northern side of High Street, both detached and semi-detached, have, for the most part, lengthy rear gardens and are set within a mature street scene. The proposed dwelling would be likely to be visible from High Street along the proposed access. I consider that by reason of its size, occupation of much of the width of the plot and its relative closeness to the rear of the houses to the front, the proposal would appear cramped, intrusive and ill-at-ease in what is an area with an otherwise generally spacious feel. This would be reinforced by the probable need to erect substantial walling or fencing along part of the rear driveway to maintain privacy for the occupiers of No. 6. I accept that there are examples of domestic extensions, outbuildings and garages that have been developed to the rear of properties to this northern side of High Street. There is also an example of a dwelling occupying a backland position to the rear of No. 20. However, this is of long-standing, is single-storey and there is a greater separation between the dwellings there than would be the case with the present proposal. I do not consider that these other developments are directly analogous to the appeal scheme and do not offer cogent support for it.

5. Turning to the second issue, I accept that it would be possible to conceive a detailed design of dwelling that could minimise the possibility of overlooking of either No. 6 or the properties which flank it, and that separation distances could satisfy criteria within the Council's Supplementary Planning Guidance on infill residential development. Nevertheless, No. 8 High Street has a relatively narrow rear garden. I consider that by reason of its siting, proximity to the boundary with No. 8, and its two-storey nature, the proposal would represent an overbearing structure that would dominate the rear garden and outlook from No. 8. The driveway to the proposal would pass along the blank flank wall of No. 8 but would also pass alongside a small conservatory and along part of its rear garden. Privacy for the occupiers of this adjoining property could be secured by appropriate boundary fencing. However, the introduction of an additional family-sized dwelling in a backland rear garden setting would inevitably increase likely activity, with attendant noise and disturbance, particularly from the vehicles passing to and fro and manoeuvring along the drive. As such, it is my opinion that the living conditions of the occupants of this adjacent property would be significantly adversely affected by its presence and occupation.
6. It is therefore my overall view that the scheme would have a detrimental impact on the appearance and character of the area and the living conditions of the occupants of No. 8 High Street. I have been provided with no information as to whether Policy H8D of the Barnsley Unitary Development Plan adopted in 2000, and quoted in the Council's decision notice, has been saved pursuant to Schedule 8 of the Planning and Compulsory Purchase Act 2004. Nevertheless, the principles of the protection of the local environment and the amenities of existing residents, which it seeks to ensure, are well established general tenets of the planning system and, for the reasons given, I find the proposal to be unacceptable.

P J Asquith INSPECTOR