The Planning Inspectorate

Appeal Decision

Site visit made on 13 February 2020

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th April 2020

Appeal Ref: APP/R4408/W/19/3240735
119 Cross Lane, Royston, Barnsley S71 4AR

- 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 Allen against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2019/0906, dated 16 July 2019, was refused by notice dated 12 September 2019.
- The development proposed is described as residential development of 1no. dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal on the character and appearance of the area, and (ii) the effect of the proposal on the living conditions of occupiers of the proposed dwelling and adjoining occupiers having regard to privacy and noise and disturbance.

Character and appearance

3. The appeal site is a large rectangular shaped parcel of land to the rear of the host property no. 119 Cross Lane. The host property sits on the eastern boundary and access to the site is via an existing driveway adjacent to its southern gable. Approximately one third of the site is occupied by a ménage area and a number of outbuildings, including stables, a small shed, garage and a storage container.

4. The northern, eastern and southern boundaries of the site are flanked by the rear gardens of existing residential dwellings and the western boundary adjoins Barnsley Canal. The immediate surrounding area is characterised by predominantly semi-detached and detached properties of a modest scale on relatively long narrow plots. Long rear gardens are a particular prevalent characteristic.

5. The proposal includes the development of one detached residential dwelling to the rear of the host property. Access would be via the existing single width driveway. The existing detached garage would be re-purposed to serve the proposed development. The house would sit towards the north eastern corner of the appeal site facing west towards Barnsley Canal.

6. The proposed dwelling would be a large, double fronted detached dwelling on a plot that is substantially wider and longer than those that surround it. As such, the proposal would be at odds with the prevailing character and appearance of the location which is of modest, tightly knit properties on narrow plots, usually with direct road frontage.

7. I note the appellant's comments relating to other backland developments in the wider area. I have not been provided with the full details of these developments or the circumstances under which they were granted planning permission. However, based on the information I have before me and from what I saw during my site visit, I note that the other examples referred to are of a scale that is commensurate with the character of the area. Nevertheless, I must determine this appeal on its own merits.

8. LP Policy D1 requires development to be of high quality design that complements, respects and reinforces local character. Furthermore, guidance contained within Supplementary Planning Document - Design of Housing Development 2019 (SPD) seeks to resist tandem development where one house is directly in front or behind another and development that is accessed via long, narrow private driveways.

9. In the context of the above, I find that the proposal would in terms of its design, scale and position introduce a development that would be out of keeping with the urban grain of the locality and thereby harmful to the character and appearance of the area. Consequently, it would conflict with the design and placemaking requirements of LP Policy D1 and the SPD.

Living Conditions

10. The Council raises concerns in respect of overlooking between the proposed property and some of the existing properties that sit close to the southern boundary. These concerns are echoed by other interested parties.

11. Based on the information I have been provided, it is clear that the proposed dwelling would exceed the separation distances set out in the SPD. However, I note the presence of a raised terrace and juliette balcony located close to the southern boundary of the appeal site. These features would allow views into the outdoor amenity space of the proposed dwelling and conversely, occupiers of the proposed dwelling would be able to see users on the raised terrace.

12. Nonetheless, given the size of the proposed outdoor amenity space for the proposed dwelling I do not consider that some overlooking into a small part of the garden would have a significantly detrimental impact on the privacy of its occupiers. Similarly, I consider that an appropriate boundary treatment to the southern boundary would suitably protect occupiers of properties adjoining the southern boundary from overlooking.

13. I acknowledge that the erection of a dwelling on the appeal site would lead to some additional traffic movements in the area. However, I do not consider that the limited increase in traffic movements associated with the development of one dwelling would have a detrimental effect on residential amenity in terms of noise and disturbance. The proposed dwelling would use an existing residential access and whilst I appreciate that the proposal would lead to the permanent and full time occupation of the site as a residential unit, given the separation distances involved and the size of the outdoor amenity space, I do not agree

with the Council's assessment that the proposal would lead to a level of noise and disturbance that would be detrimental to the living conditions of the occupiers of neighbouring properties.

14. Therefore, I conclude that the proposal would not be harmful to the living conditions of the appeal dwelling or adjoining occupiers with regard to privacy or noise and disturbance. It would accord with Policy GD1 of the BLP, which requires that new development shall not adversely affect the living conditions of existing occupiers.

Conclusion

15. I have concluded that the development would not cause harm to the living conditions of the occupiers of the proposed dwelling and adjoining occupiers having regard to privacy and noise and disturbance. However, I consider that the proposal, by virtue of its design, scale and position would cause significant harm to the character and appearance of the area. Accordingly, taking into account the above and all other matters raised I conclude the appeal should be dismissed.

J. Hunter

INSPECTOR