



Appeal Decision

Site visit made on 23 February 2021 by Andreea Spataru BA (Hons) MA

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2021

Appeal Ref: APP/R4408/W/20/3261976

2 White House Farm, Towngate, Thurlstone, Barnsley S36 9RH

- 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 and Mrs P Mullins against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2020/0382, dated 6 April 2020, was refused by notice dated 21 August 2020.
 - The development proposed is described as "erection of dwelling with attached garage and formation of access".
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Decision

1. The appeal is allowed and planning permission is granted for the erection of dwelling with attached garage and formation of access at 2 White House Farm, Towngate, Thurlstone, Barnsley S36 9RH in accordance with the terms of application Ref 2020/0382, dated 6 April 2020, and subject to the conditions outlined at the end of this decision.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposal on the setting of the host dwelling.

Reasons for the Recommendation

4. The appeal site relates to White House Farm, which is a large dwelling located within spacious grounds. There is a large garden to the front, which is separated from the dwelling by its drive, and contains several trees and other vegetation. The dwelling also has a spacious garden to the rear, which provides ample private amenity space for the occupants of the property.
 5. The site occupies an elevated position in relation to the nearby roads and neighbouring properties located on Towngate. Notwithstanding this, given the significant set back of the dwelling from the road and the existing boundary treatments, only glimpses of it are available from public vantage points. The property is located within Thurlstone Conservation Area and there are several listed buildings located within proximity of the site; the closest being the barn at Redminster Cottage opposite the site.
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6. The development would occupy the front garden of the host dwelling and would share access with neighbouring dwellings from Towngate.
7. The Council has stated that White House Farm has been classified as being a larger home, which is not disputed by the appellants. The Supplementary Planning Document: Design of Housing Development (SPD) defines 'larger dwellings' to be those that have four or five bedrooms, or are capable of accommodating four or five bedrooms without significant adaptation. Policy H9 of the Local Plan (LP) states that development within the curtilage of existing larger dwellings should be resisted where it will have an adverse impact on the setting of the original dwelling, and the size of the remaining garden area.
8. Whilst there would be a reduction in the garden area of White House Farm, the remaining rear garden would be of an adequate size, as to ensure that the function of the host dwelling would not be harmed by the proposal.
9. In terms of the setting of the dwelling, when viewed from public vantage points White House Farm already appears fairly enclosed due to its siting within its current plot and in relation to the roads. The boundary treatments and vegetation located to its front/side also contribute to the sense of enclosure, which in this instance is a positive feature of the site. As such, the impact of the proposal on the views of the host dwelling from the surrounding area would be minimal. When experienced from within the site, there would be a sufficient distance between the two dwellings such that the overall spaciousness of the plot would not be adversely affected.
10. Given the scale and siting of the proposed dwelling within its plot in relation to the host dwelling, together with the proposed boundary treatments, it would not adversely affect the spacious setting of the host dwelling. Consequently, the development would not conflict with Policy H9 of the LP.
11. The Council found that the proposal would not have a harmful impact on the Thurlstone Conservation Area or the setting of the listed buildings. Given the scale and siting of the proposal, I am satisfied from all I have seen and read that it would have a neutral impact on the significance of these heritage assets and their setting. Accordingly, it would meet the requirements of S66 (1) and S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require me to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area and preserving the setting of the listed buildings.

Other matters

12. Whilst not raised within the planning officer's report, the Council's appeal statement outlines concerns regarding the effect of the proposal on the living conditions of the occupants of No 35 Towngate, in terms of outlook. Given the separation distance between the proposed dwelling and No 35 Towngate, as well as the proposed boundary treatments, I am satisfied that the proposal would not be overbearing or adversely affect the outlook for No 35.
13. I have taken into account the neighbour's and councillor's objections regarding the effect of the proposal on the living conditions of neighbouring residents, the character and appearance of the Conservation Area, the setting of the listed building, highways safety, and the effect on trees. I note that the Council found the proposal acceptable in all these matters. Furthermore, the Conservation

Officer, Highways Authority and the Tree Officer also consider the development acceptable, subject to conditions. From what I have seen and read, I have no reasons to disagree with the Council regarding their conclusion on the matters raised by third parties.

Conditions and Recommendation

14. I have had regard to the Council's suggested conditions, and I have considered them against the six tests, as outlined within the National Planning Policy Framework (the Framework) and the advice in the Planning Practice Guidance (PPG), revising the Council's suggested wording where necessary to better reflect the requirements of the PPG.
15. In the interest of proper planning and to provide certainty I have recommended the standard time limit condition and specified that the development should be carried out in accordance with the approved plans, including the arboricultural method statement and the landscaping scheme.
16. In order to protect the amenities of local residents, a condition requiring work to be undertaken only within specific hours and days is necessary.
17. In the interest of highway safety, a condition is necessary to ensure that the part of the site that would be used by vehicles is surfaced in a bound permeable material, and adequate measures are taken to avoid the discharge of surface water from the site on to the highway. Likewise, a condition is also necessary to ensure that the gradient of the vehicular driveway will not exceed 1 in 12 as measured from the edge of adjacent carriageway.
18. I have included conditions relating to the submission of details of materials in the interest of protecting the character and appearance of the conservation area, and an Electric Vehicle Charging Point (EVCP) to encourage sustainable travel. However, such details need not be submitted prior to commencement of development and so I have altered the suggested conditions accordingly.
19. Details regarding the position of boundary treatments, including landscaping, and ground/finished levels are indicated on the submitted drawings. Therefore, the suggested conditions requiring the submission of these details are not necessary. However, a condition requiring the boundary treatment to be provided before the development is occupied is necessary in the interests of protecting the character and appearance of the area.
20. I have taken into account the comments outlined within the Highway Safety section of the planning officer report regarding the tree root protection zone, which is within close proximity to the area shown on plans as designated for parking. The Tree Officer supports the proposal, subject to it complying with the submitted arboricultural method statement and landscaping scheme. I am therefore satisfied that an additional condition regarding the tree protection zone is not necessary and I note that the Council has not suggested one.
21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to these conditions.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BP1 Rev A, P10 Rev A, P11 Rev A, P12 Rev A, the submitted Arboricultural Method Statement Ref 190221 MS, and Landscaping Scheme TT20-01 Rev 02.
- 3) No development shall take place above ground level until details of the proposed external materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
- 5) The boundary treatment shown on drawing no. TT20-01 Rev 02 shall be completed before the dwelling is occupied. Planting shall be carried out in accordance with the approved details and shall thereafter be retained.
- 6) Before the development is occupied, details of an EVCP (Electric Vehicle Charging Point) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) Before the development is occupied, the part of the site to be used by vehicles shall be surfaced in a bound permeable material and adequate measures shall be designed into the proposed access to avoid the discharge of surface water from the site on to the highway.
- 8) The gradient of the individual vehicular driveway shall not exceed 1 in 12 as measured from the edge of adjacent carriageway.