



## Appeal Decision

Site visit made on 8 September 2020

by **Diane Cragg DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

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**Appeal Ref: APP/R4408/W/20/3254559**

**Garage Site, Martin Croft, Silkstone Barnsley S75 4JS**

- 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 Ms Stephanie Dunlavey against the decision of Barnsley Metropolitan Borough Council.
  - The application Ref 2019/1136, dated 10 September 2019, was refused by notice dated 21 February 2020.
  - The development proposed is residential development of 4 dwellings.
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### Decision

1. The appeal is allowed, and planning permission is granted for a residential development of 4 dwellings at Garage Site, Martin Croft, Silkstone, Barnsley S75 4JS, in accordance with the terms of the application Ref 2019/1136 dated 10 September 2019 and subject to the conditions set out in the attached schedule.

### Main Issues

2. The main issues are:
  - whether the proposal would result in overdevelopment of the site;
  - the effect of the development on the living conditions of neighbouring properties; and,
  - whether the proposal would provide adequate living conditions for future occupiers of the development, with regard to outlook and privacy.

### Reasons

*Whether the proposal is overdevelopment*

3. The appeal site is located at the end of a row of detached properties facing Martin Croft. It is within an attractive landscaped setting adjacent to public footpaths, bordered by mature trees and planting with allotments on its northern side. There are various dwelling types and designs within the adjacent residential estates, including bungalows opposite the site and relatively modern detached houses to the south west. Martin Croft is to the south east; from where there is an existing single car width access into the appeal site.

4. Although the private drive creates an intimate arrangement to the front of the plots, each property has an adequate front driveway, turning area and space to provide landscaping to soften the built form of the development. Due to existing landscaping on the adjacent footpaths and the limited width of the access the arrangement to the front of properties would have limited visibility in the wider area and the appearance of the development would not detract from the street scene.
5. The public footpath adjacent to the southwest boundary has a wide grassed margin with mature planting. The side gable wall and side single storey rear projection of plot 2 would be set a minimum of 1.2 metres from the boundary with an increased distance towards the front of the plot. Although Plot 2 would be visible in the street scene it would not dominate views, either from the road or the footpath.
6. Policy H6 of the Barnsley Local Plan (the local Plan) supports lower density development where it can be demonstrated that it is necessary in terms of the character and appearance of the area. However, given the site surroundings I can see no justification for a lower density than proposed.
7. Consequently, I consider that the form of the development would not appear excessive in relation to the surrounding character and form and would not represent an over development of the site. The proposal would accord with Policy GD1 of the Local Plan which seeks to ensure that development reinforces the local character and features of Barnsley. It would also accord with the Supplementary Planning Document Design of Housing Development May 2019 (SPD) which seeks to ensure that new development is based on an appraisal of existing landscape and settlement character.

*Living conditions – existing residents*

8. The nearest residential property to the appeal site is No 17 Martin Croft. This property is a detached house separated from the site by hedging, with the upper part of the blank gable side elevation visible above the hedge, facing the site. The proposed dwelling on Plot 1 would be set back from the side elevation and angled away from the joint boundary adjacent to No 17's rear garden. Due to the design and siting of plot 1 the development would not overshadow or otherwise detract from the living conditions of No 17.
9. From the allotments the side elevation of plot 4 would be relatively large, particularly as the allotments are at a lower land level. Nevertheless, the elevation of plot 4 would be set in from the boundary and would be partly single storey. Apart from boundary fencing the remainder of the joint boundary with the allotments would be retained without built development close to it. The level of shadowing of the allotments would be limited.
10. The land is separated from housing on Broad Gates by the public footpath. The Council's committee report confirms that the separation distances between the existing and the proposed development required by the SPD would be achieved. Following my site visit and based on the evidence before me, I would agree.
11. Consequently, I consider that the development would relate acceptably to the neighbouring properties and would accord with Policy D1 of the Local Plan which supports development that would not have a significant adverse effect

on the living conditions of existing residents. It would also accord with the requirements of the SPD in so far as it relates to the layout and design of new housing development.

*Living conditions – future residents*

12. Car parking for the properties would be to the front of each plot accessed via a shared private drive with adequate turning and manoeuvring for vehicles outside each property.
13. Plots 2 to 4 would follow a similar building line and would be orientated east west on the appeal site. Plot 1 would be at right angles to plots 2 to 4, with a wall of approximately single storey eaves height facing plots 2 to 4 at a reasonable distance. I consider that there would be no significant overlooking between plots and the development would provide adequate space between each unit to accord with the objectives of the Council's SPD.
14. I consider that the proposal would provide acceptable living conditions for future occupiers of the development, with regard to outlook and privacy. I find no conflict in this regard with Policy D1 of the Local Plan.

**Other Matters**

15. Local residents, Councillors and the Parish Council have also expressed a wide range of concerns including, but not limited to, the following; Access to and egress from the site, the effect of the development on trees, drainage and sewers, access to the allotments, and conformity with the Local Plan. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I can understand the concerns of local residents, Councillors and the Parish Council, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters. I have considered this appeal proposal on its own merits and concluded that it would not cause harm for the reasons set out above.

**Conditions**

16. I consulted the parties on a list of conditions having regard to policy in paragraph 55 of the Framework and the Planning Practice Guidance. I have taken comments received into account.
17. As well as the standard implementation condition it is necessary to refer to the approved drawings in the interests of certainty. Based on the proposed layout and the proximity of trees adjacent to the site boundaries a condition requiring measures to protect boundary trees is necessary prior to commencement in order to protect the character and appearance of the area. The appellant has confirmed acceptance of the imposition of the condition prior to commencement. In addition, I have imposed a landscaping condition to aid the assimilation of the development into its surroundings and ensure that it is visually attractive. I accept the appellants point that the design and location of fencing is identified on the drawings; a condition requiring fencing details is therefore not necessary.
18. A condition providing space for vehicles to enter and leave the site in forward gear and to ensure parking is provided is necessary because of the restricted

width of the access into the site and to minimise on street parking. To ensure that satisfactory drainage is provided in the interests of reducing flood risk and safeguarding the effects of development against climate change, I have imposed a condition requiring a drainage scheme to be approved.

19. The Council requested additional conditions which I have considered. The appellant has provided proposals for managing the site during the construction phase of the development including liaising with neighbouring properties. Having regard to this and the site circumstances I do not consider a specific restriction on the hours of construction to be necessary. Condition 5 requires a scheme for the disposal of surface water. A separate condition for the surface water run-off from the highway is not necessary. Parking and manoeuvring and hard surface materials are required by conditions 6 and 7. The plans indicate that the appeal site has a very limited area to the site frontage, the protection of pedestrian and vehicle visibility outside the site is not reasonable. The drawings indicate that the finished floor level of the dwellings would be 400 mm above existing ground levels. Although there is a slope on the site the requirement for a specific gradient at the access has not been shown to be necessary. There is no evidence before me that there is any fire safety risk associated with the development of the site.

### **Conclusion**

20. For the reasons set out above, the appeal is allowed.

*Diane Cragg*

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 and reports: Site survey drawing no. DRG – 001, South Yorkshire Mining Advisory Service report dated 21 December 2017, Tree Survey dated September 2019, Location Plan, Drawing 19-072-01c SITE PLAN, Drawing 19-072-02 - PLOT 1, Drawing 19-072-03a - PLOTS 2 3 & 4.
3. No development (including site clearance or preparatory work) shall take place until a scheme for the protection of trees to be retained on and adjacent to the site (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction- Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved.

4. No above ground construction work shall be undertaken until samples of the external wall and roof materials have been submitted to and approved by the Local Planning Authority. The relevant works shall be carried out in accordance with the approved sample details.
5. None of the dwellings hereby approved shall be occupied until drainage works for the disposal of foul and surface water shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
6. The dwellings hereby approved shall not be occupied until space has been laid out within the site in accordance with drawing no. 19-072-01c SITE PLAN for parking of cars and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for the parking and turning of vehicles.
7. The development shall not be occupied until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: species, planting sizes, spacing and numbers of trees/shrubs to be planted, and any existing trees or shrubs to be retained and hard surfacing materials; together with an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before the dwellings are first occupied in accordance with the agreed implementation programme.

Any trees or plants which, within a period of 5 years from the date of the planting (or within a period of 5 years of the first occupation of the dwellings in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.