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## 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: 13<sup>th</sup> March 2020

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**Appeal Ref: APP/R4408/W/19/3240980**

**45 Locke Avenue, Barnsley S70 1QH**

- 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 PFPI Developments Ltd against the decision of Barnsley Metropolitan Borough Council.
  - The application Ref 2019/0800, dated 27 June 2019, was refused by notice dated 10 September 2019.
  - The development proposed is described as residential.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of development from the Council's decision notice and in the appeal form is the "*Erection of 4 storey detached building to house 8 no. apartments (Outline seeking approval over layout, scale, access and appearance)*". This was agreed between the main parties at planning application stage. The amended description accurately reflects the appeal proposal and therefore I have determined the appeal on this basis.
3. The planning application is submitted in outline with approval sought for layout, scale, access and appearance with landscaping details reserved for a subsequent reserved matters application.

### Main Issues

4. The main issues in the appeal are i) the effect of the proposal on the character and appearance of the area; ii) whether the proposed development would provide acceptable living conditions for future occupiers of the appeal dwellings and the occupiers of neighbouring properties with reference to external amenity space, internal living space, privacy, outlook, daylight and noise and disturbance and; iii) the effect of the proposal on highway safety including whether car parking arrangements would be acceptable.

### Reasons

#### *The site and proposal*

5. The appeal site is an area of garden land to the rear of 263 Park Road but with frontage onto Locke Avenue. There is a relatively substantial level difference between Locke Avenue and the appeal site and therefore at present there is no

level access from Locke Avenue. Pedestrian access is currently via a steep staircase to the side of no 263 Park Road. There is, however, an existing vehicular access via a single width lane off Blenheim Road, to the west of the appeal site.

6. The proposal would see the construction of a four storey detached building which would accommodate eight apartments. The submitted plans show a double fronted building with two apartments on each floor. Pedestrian access would be provided into ground floor level from Locke Avenue via a raised platform. The rear access point would remain as existing. There would be no designated parking bays on-site and the proposal includes bicycle storage within the existing detached garage building.

#### *Character and appearance*

7. The character of the surrounding area is relatively dense residential development comprising of predominantly two storey terraced and semi-detached properties, some with lower ground floors where levels permit. There are some larger detached properties along Park Road as well as some more modern infill developments in the surrounding streets. To the north of the appeal site (No 45 Locke Avenue), there is a contemporary split level property which at street level is single storey.
8. The appeal proposal would introduce a building that due to its scale, design and bulk would appear incongruous and out of place in the context of the adjacent single storey property and the wider street of relatively narrow two storey properties. It would sit significantly higher than No 45 Locke Road and whilst the overall height would be similar to that of the nearest two storey houses, the front facing gabled roofs, double doors and juliette balconies would jar with the simple Victorian architecture that is prevalent in the immediate vicinity.
9. I note that there is a recently built double fronted apartment block further north of the appeal site on the opposite side of Locke Avenue, I do not have the full details of this development or the circumstances in which it was permitted. However, I saw during my site visit that it has a very similar scale, proportion and elevational design to the properties immediately adjacent to it. The same cannot be said for the appeal development and its immediately surrounding buildings.
10. The host property, due to its corner location has a large garden area to the rear which also fronts onto Locke Avenue, leaving an open gap in the built form between the rear of No 263 Park Road and No 45 Locke Avenue. The appellant considers that this creates an opportunity for infill development on an "*underutilised site*". However, I consider that the appeal proposal by virtue of its position and scale would have the effect of almost entirely filling the rear garden of No 263 Park Road thereby eroding the spacious character afforded by the garden areas between properties and having a significantly detrimental effect on the character and appearance of the locality.
11. Furthermore, I do not agree with the appellant that the appeal site is underutilised; it is a garden area and thereby performs a function as private amenity space for the existing and future occupiers of the host property, as well as a contributing positively to the overall character and appearance of the area. I acknowledge the appellant's reference to the National Planning Policy Framework (the Framework) and I appreciate that paragraphs 118 and 123

together promote higher density development and the development of underutilised land, particularly where housing land supply is constrained or there is a shortage of land to meet identified housing need. However, I have not been provided with any evidence to suggest that housing land supply is constrained within this location. Indeed, there is no dispute that the Council can demonstrate a deliverable 5 year supply of housing sites.

12. In conclusion, I consider that the appeal proposal would introduce a development that by virtue of its scale, design and bulk would have a significantly detrimental effect on the character and appearance of the location. Furthermore, the wholesale redevelopment of the appeal site would erode the spacious, verdant character of this location where the garden areas provide valuable green spaces within the otherwise relatively dense built form.
13. Consequently, the proposal fails to accord with the character and appearance requirements of Policies H9, D1 and GD1 of the BLP, Supplementary Planning Document – Design of new Housing Development 2019 (SPD) and the Framework which collectively seek to ensure that proposals are of a high quality that contribute to placemaking, respect local context and add to the overall quality of the area.

#### *Living Conditions*

14. Paragraph 30 of the Framework states that *"permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents"*.
15. The SPD provides detailed design guidance on the design of new housing including the requirement for proposals to meet minimum spatial standards with regard to external amenity space and separations distances. The appellant has provided no information on how the remaining outdoor space would be delineated between the host property and the proposed flats.
16. Nevertheless, the SPD requires a minimum shared private space for flats of 50m<sup>2</sup> plus an additional 10m<sup>2</sup> per unit as balcony space or added to shared private space. This would equate to around 130m<sup>2</sup> of shared private space for the appeal properties. In addition, whilst I acknowledge that the host property is currently an HMO, I note that paragraph 26.1 of the SPD states that external separation distances and garden sizes should reflect the requirements set out in the general criteria. Therefore, I would concur with the Council's assessment that the host property would require a 60m<sup>2</sup> rear garden with a minimum length of 10 metres. Acknowledging the minimum rear garden length and the required separation distance of 12m between the rear wall of No 263 and the gable wall of the proposed flats, I consider that there would be insufficient space to accommodate an appropriate amount of external amenity space for all the properties.
17. Moreover, I consider that failure to provide appropriate delineation between the properties and the proximity of the appeal proposal to the rear windows of No 263 Park Road would lead to an unacceptable level of overlooking into the shared outdoor space which would have a considerably detrimental effect on the living conditions of the occupiers of both the appeal properties and the No 263 Park Road in respect of outlook and privacy.

18. The SPD makes provision for some flexibility on the amount of shared private space to be provided and I accept the appellant's submission the Locke Park is located in very close proximity to the site and could provide additional recreational outdoor space for the residents. However, I consider that residents should still be afforded sufficient outdoor amenity space to fulfil everyday needs such as sitting out, drying washing etc and this would not be permissible under the current proposal. In other words, private and public amenity space are not entirely comparable in terms of how they are used.
19. The Council considers that the proposed flats would fall below the minimum internal space standards contained within the South Yorkshire Residential Design Guide 2011(SYRDG) and that this would lead to unacceptable living conditions for future residents. The appellant does not dispute that there is a shortfall. I consider that as the standards set out within the SYRDG represent minimum standards any shortfall would be unacceptable and lead to unsatisfactory living conditions for future residents.
20. The appeal property would be constructed approximately 750mm from the southern gable of No 45 Locke Avenue and set forward of its principle elevation by around 5 metres. Owing to the significant height difference and location of the building, it would have an intrusive and overbearing effect on the occupiers of No 45 Locke Avenue leading to a material loss of outlook. Furthermore, the positioning of the appeal building, due south and with the gable wall extending along the full length of the front garden of No 45, would result in a significant reduction in the amount of natural daylight into both the garden and the front windows of the property. Collectively, these issues would lead to an unacceptable impact on the living conditions of the occupiers of No 45 Locke Avenue in respect of daylight and outlook.
21. Owing to the proposed positioning of the appeal building and the relatively significant level drop between the site and Locke Avenue to the east, the lower ground floor flats would have a very poor outlook to the eastern and northern elevations. The master bedroom would be positioned around 4 metres away from the retaining wall on the boundary with Locke Avenue and the window of the second bedroom would be approximately 750mm from the shared boundary with No 45 Locke Road. This would significantly reduce the amount of daylight into these rooms resulting in unacceptable living conditions for the future residents of the lower ground floor flats.
22. The Council claims that the appeal proposal would give rise to noise and disturbance by virtue of the increased activity level as on the site and considers that this would lead to unacceptable living conditions for existing residents. Whilst I appreciate that the influx of additional residents into the area would undoubtedly lead to additional comings and goings, I consider that due to the size of the properties, they would likely be occupied by single people or couples and therefore the noise and disturbance associated with this level of occupancy would unlikely to be significant, particularly in the context of this busy, edge of city centre location.
23. In conclusion, I have found that in regard to noise and disturbance the appeal proposal would not have a detrimental effect on the living conditions of future or neighbouring occupiers. However, I have identified harm in relation to internal living space, external amenity space, outlook, privacy and daylight which collectively would amount to very significant harm to the living

conditions of both future residents of the appeal development and the occupiers of neighbouring properties. Accordingly, I conclude that the proposal would fail to accord with the SPD, the design and placemaking requirements of Policy GD1 and D1 of the BLP and the amenity requirements or paragraph 127 (f) of the Framework.

### *Highway Safety*

24. The SPD requires that development proposals include provision of off-street parking. For the appeal proposal this would amount to eight off street parking spaces. The site is located in a very accessible location about 600 metres from Barnsley City Centre: it is a busy urban area with good access to services and facilities. I noted during my site visit that there are a number of bus stops within the vicinity of the site. Furthermore, I consider that the well-lit, extensive network of highways in the area would encourage walking and cycling and I note that the proposal includes provision for on-site cycle parking.
25. The appeal proposal would retain an existing access to the rear of the site via a single width back lane that currently serves the rear of a number of properties on Blenheim Road. However, the proposal does not include off-street parking and therefore the appellant argues that there would be no intensification of this access point. It would not be convenient for most of the occupiers of the flats to park in Blenheim Road. The main access for the majority of the flats would be from Locke Avenue and so the vast majority of parking associated with the development would likely occur in this area. Consequently, I do not consider that the proposal would give rise to any unacceptable impacts in terms of Blenheim Road from a car parking point of view.
26. I acknowledge that my site visit was only a snapshot in time. Nonetheless, I noted that Locke Avenue and some of the other surrounding streets are relatively wide with generous footpaths on either side. There was sufficient space for two cars to pass even with cars parked on either side and there was no shortage of on street parking in the immediate area and adjacent to the appeal property.
27. As a consequence, I am not persuaded that the appeal proposal would lead to an intensification of the existing access point, nor would it lead to an unacceptable increased demand for on street parking to such an extent that it would be detrimental to matters of highway safety. Therefore, in this regard, whilst there is some conflict with the SPD, I consider that overall the proposal would accord with the highway safety requirements of Policies GD1 and T4 of the BLP and the Framework.

### **Other Matters**

28. I have considered the appellant's comments relating to the application of minimum standards within the SPD and the suggestion that such standards have been superseded by changes in national policy and the need to significantly boost housing supply. However, paragraph 30 of the framework is very clear that opportunities should take into account *local design standards or style guides in plans or supplementary planning documents*. Furthermore, paragraph 127 (f) indicates that planning decisions should create places with a high standard of amenity for existing users and whilst I accept the appellant's submissions that the proposal would increase the supply of dwellings, in a

highly accessible location, these benefits do not outweigh the very significant harm that I have identified.

29. None of the other matters raised alter or outweigh my overall conclusion that planning permission should be refused.

**Conclusion**

30. In conclusion, I have found that the appeal proposal would not have a detrimental impact on highways safety matters, nor would it cause harm to the living conditions of future and neighbouring occupiers due to noise and disturbance. However, I have identified significant harm to the character and appearance of the area and to the living conditions of future and neighbouring occupiers in regard to internal living space, external amenity space, privacy, outlook and daylight. This identified harm is a matter of overriding concern and accordingly for the reasons set out above and taking into account all other matters raised, I conclude the appeal should be dismissed.

*J Hunter*

INSPECTOR