The Planning Inspectorate

Appeal Decision

Site visit made on 18 December 2018

by Kate Mansell BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 April 2019

Appeal Ref: APP/R4408/W/18/3210023
1 Woodland View, Silkstone Common, Barnsley S75 4SA

- 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 John Wooller against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2018/0481, dated 13 April 2018, was refused by notice dated 6 August 2018.
- The development proposed is a new dwelling.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council adopted the Barnsley Local Plan (BLP) on 3 January 2019. As a result, policies within the Barnsley Unitary Development Plan and Local Development Framework Core Strategy that are cited in the reasons for refusal on the Council's decision notice have been superseded by those within the BLP.

3. Whilst the Council are also updating the Supplementary Planning Document – Designing New Housing Development (DNHD SPD) to align it with its recently adopted plan, the guidance within it sets out specific criteria that are relevant to this case. It is therefore a material consideration, which I have taken into account in assessing the proposal.

4. The appellant has had the opportunity to comment on the up-to-date policies and accordingly, no parties have been prejudiced by my having regard to them.

5. On 19 February 2019 the Government published an updated revised National Planning Policy Framework (the Framework). The revisions do not materially alter the national policy approach in respect of the issues raised in this appeal. Therefore, no party has been prejudiced by my having regard to this updated document.

Main Issues

6. The main issues are the effect of the proposed development on:

    - The character and appearance of the area and;
    - The living conditions of future and existing adjoining occupiers.

Reasons

Character and appearance

7. Woodland View is on the southern edge of Silkstone Common, accessed from Knabbs Lane, a main road running through the village. Houses on the north side of Woodland View include semi-detached gabled bungalows of similar appearance. They sit at a higher level to the road and are set well back with established front gardens and similarly sized gardens to the rear. On the south side, two-storey red brick houses on Blackhorse Drive are visible, of which those fronting Knabbs Lane are set back from the highway behind a wide grass verge.

8. The appeal site is part of the wide side/rear garden of the semi-detached bungalow at 1 Woodland View, prominently sited on a corner with a long frontage to Knabbs Lane. It is mostly grassed and elevated. The appeal proposal would introduce a detached dormer bungalow positioned to the north-west of No 1, forward of its side wall. Access would be from the existing driveway on Woodland View, shared with No 1. The front boundary hedge that presently screens the site from the road, which the tree survey confirms to be in good condition, would be retained.

9. Whilst the siting of the appeal proposal would have a similar alignment and setback to the road as the house opposite at 19 Knabbs Lane, the Council's DNHD SPD advises that new development should reflect the building line of dwellings on the same side of the street. In this context, the proposal would sit forward of the side elevation of 1 Woodland View and also forward of the adjoining property at 22 Knabbs Lane, which is set back from the road.

10. I acknowledge that to the north of No 22, the houses on Knabbs Lane sit on a more consistent building line, being slightly further forward. However, they are not visible from the appeal site due to a bend in the road, to which I consider the building line should have regard. In my view, the building line is therefore a sweeping arc that curves from the front of 20 Knabbs Road towards the corners of No 22 and 1 Woodland View and then across to 3 Blackhorse Road. In this context, the proposed dwelling would sit forward of it.

11. Whilst I concur with the appellant that, having regard to the definition within the DNHD SPD, the proposal would not be tandem development, its siting would also result in the loss of the established set back of the existing dwelling from the road that is reflected on the opposite corner of Woodland View. Furthermore, its prominence would be increased by the elevated site position, resulting in a development that would appear cramped and intrusive within the street scene and contrary to the pattern of development on this side of Knabbs Lane.

12. Additionally, although the eaves and ridge level of the proposed dwelling would be at a similar or lower level to neighbouring properties, its raised position and siting would create a development that would be conspicuous. In this context, I consider that the roof form, and particularly the three front dormer windows, would appear more pronounced. I acknowledge that there are some other properties with dormer windows within the village, detailed within the appellant's evidence. However, from what I saw on my site visit, only Chapel Cottage was visible from the road adjacent to the appeal site and in my view,

front dormers are not a common feature of the local vernacular within the site's immediate locality.

13. Furthermore, whilst I appreciate that the appellant designed the dormer cheeks to be clad in slate grey to blend with the slate roof, the dormers would nonetheless be significant in their size, number and prominence. As a result, I consider that the appearance of the dwelling would appear out of context with the prevailing character within the vicinity of the appeal site.

14. For these reasons, I conclude that the proposed development would result in harm to the character and appearance of the area. It would therefore conflict with Policies GD1, H4 and D1 of the BLP. These policies seek to ensure that development is of a high quality, compatible with neighbouring land that also takes advantage of local character and contributes to place making. It would also be contrary to guidance within the DNHD SPD, which, amongst other matters, requires development to reflect the prevailing character in siting and design, as well as guidance within the Framework, to ensure that developments are visually attractive and sympathetic to local character.

Living Conditions

15. The appeal property would be set at an oblique angle to No 1 Woodland View so the garden to both the appeal property and No 1 would be triangular in shape. The Council reference their DNHD SPD in relation to guidance that proposed habitable room windows at first floor level and above should be a minimum of 10m from the boundary of any private garden. However, to the rear, the appeal proposal has been designed with roof lights rather than first floor windows. No 1 is also a bungalow without first floor windows.

16. I note that the SPD also permits a reduced distance for bungalows provided that they meet garden size and privacy standards. The appellant maintains that minimum distances to the walls and habitable windows of neighbouring properties would be achieved and the proposed dwelling would also deliver an amenity space of 90 square metres, which is in excess of the recommended garden area within the DNHD SPD.

17. Furthermore, the outlook from the ground floor windows of the proposed dwelling would be screened by a 1.8 metre fence between the two properties. In my view, these measures would be sufficient to ensure that there is no overlooking of 1 Woodland View or subsequent loss of privacy. Equally, the fence would prevent overlooking of the garden of the proposed dwelling from No 1. The fence would also angle away from the rear boundary of the proposal sufficiently to ensure that the aspect from its ground floor windows would be satisfactory.

18. Moreover, I am unconvinced that existing residents of dwellings that surround the site, and particularly No 1 Woodland View, would experience an increase in noise and disturbance due to the additional activity and vehicular traffic associated with one dwelling that could be described as material. Whilst the future residents of the proposed dwelling would share a driveway with No 1 Woodland View, it would be separated by a garden area as well as a space identified as a future extension or garage to No 1, which would provide a sufficient level of segregation between the two properties. It would not, therefore, in my view, be so significant as to be harmful.

19. Taking the above points together, I therefore find no harm to the living conditions of the future occupiers of the proposed dwelling or existing adjoining occupiers. Accordingly, I find no conflict with Policies H4 and D1 of the BLP. These policies require residential development on small non-allocated sites to comply with relevant policies in the Plan. This would include compliance with Policy GD1, which seeks to ensure no significant adverse effect on the living conditions of existing and future occupiers. I also find no conflict with the DNHD SPD insofar as it relates the relationship between existing and proposed dwellings.

Conclusion

20. The appeal site lies within an established residential area where the principle of the development is acceptable. However, whilst I find no harm to the living conditions of future of existing adjoining occupiers as a result of the proposal, I find that it would result in harm to the character and appearance of the area. For this reason, I conclude that the appeal should be dismissed.

Kate Mansell

INSPECTOR