

---

# Appeal Decision

Site visit made on 7 March 2016

**by Alison Partington BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17<sup>th</sup> March 2016**

---

**Appeal Ref: APP/R4408/W/15/3139934**  
**Land at Stottercliffe Road, Thurlstone S36 9RF**

- 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 Steve Walsh against the decision of Barnsley Metropolitan Borough Council.
  - The application Ref 2015/0535, dated 23 April 2015, was refused by notice dated 24 June 2015.
  - The development proposed is a new dwelling with associated parking.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in the appeal are:
  - the effect of the proposed development on highway safety;
  - the effect of the proposed development on the living conditions of nearby residents with particular reference to outlook, privacy, and noise and disturbance;
  - whether or not the proposed development would provide adequate living conditions for future occupiers with particular reference to privacy and outlook; and
  - the effect of the proposed development on the character and appearance of the area.

## Reasons

### *Highway Safety*

3. The appeal site is accessed by a private single track road that splits off Stottercliffe Road. At present the access road serves 4 dwellings. This road has limited forward visibility, has no passing places, and is, in places, very steep. These characteristics, and the limited turning space, mean that the road is unsuitable for larger vehicles. This road is therefore clearly sub-standard in a number of regards, and this has not been disputed by the appellant.
  4. Due to the limitation in the size and shape of the appeal site, parking for the proposed dwelling would be provided on a separate site, approximately 35m from the site, at the bottom of a steep incline. Given the characteristics of the
-

access road outlined above, and the fact that that it has no pavements or street lights, I consider that this would not provide safe and satisfactory parking arrangements for the proposed dwelling. I note the suggestion that off site parking is common in valuable historic environments and villages. Be that as it may, there is no evidence to indicate that this is a valuable historic environment, and I observed that generally houses in the area were served by their own on-site parking.

5. Moreover, given the distance of the parking from the site, and the steep intervening incline, I agree with the Council that it is likely that future occupiers would regularly need to park at the house to drop off heavy and bulky items. This could only be done by parking on the access road which would prevent its use by others, and given the limited forward visibility would be detrimental to highway safety.
6. The proposed development would result in a modest increase in the use of the access road. Notwithstanding the fact that the appellant has stated that there is no record of any accidents on the access track, given the fact that the access track is substandard in a number of regards, it would be irresponsible to encourage further use, however limited.
7. I note that the appellant has suggested a parking space could be provided to the west of the site for 'emergency' use. However, this is not shown on the plans, and would have implications for the amount of garden space provided. As such I consider it would be a materially different scheme to that which is before me at this appeal.
8. It has also been put to me that a garage for the host property could be built on the site. Be that as it may, this too is a materially different scheme to that before me at present. Furthermore, I have no substantive evidence to indicate that there is a significant probability that this would be constructed should this appeal be dismissed. This limits the weight I give to this.
9. In addition, the appellant has stated that the proposal would not increase the use of the road as there was another house, that has since been demolished, that previously utilised the access. However, I do not have any detailed evidence regarding this, or when it was demolished. As such I give this little weight.
10. All in all, I consider that through the intensification of the use of a sub-standard access, and as a result of unsatisfactory parking arrangements, the proposed development would be detrimental to highway safety. As such it would be contrary to Policy CSP 26 of the *Barnsley Core Strategy (adopted September 2011)* (BCS) which requires new development to be provided with safe, secure and convenient access for all road users.

#### *Living Conditions – nearby residents*

11. The appeal site is located in an elevated position in relation to both No 3 Stottercliffe Road and the properties situated on the A628. The proposed dwelling would have its main windows located on the northern elevation facing the rear elevation of the properties on the main road. Although these are set at a lower level, the elevated position of proposed dwelling would increase the level of overlooking, and the perception of being overlooked, for these properties. As a result it would reduce the level of privacy for the occupiers of

- these houses in both the rear gardens and the first floor rooms that have windows on the rear elevation.
12. The proposed windows would also overlook much of rear garden area of No 3. Whilst at present this area is largely covered in a variety of outbuildings, should in future the occupiers of this property wish to utilise this area for more formal garden use, it would be overlooked from the proposed dwelling.
  13. Whilst I am satisfied that adequate boundary treatments could be provided to prevent the overlooking of the rear widows of No 3 from the garden area of the proposed bungalow, the position of the rear elevation immediately adjacent to the boundary would mean that a similar solution could not be utilised to prevent the overlooking of the properties on the A628, or the garden area of No 3, without having a severely detrimental impact on the outlook from the proposed windows.
  14. There are two properties located on the other side of the access track from the appeal site. One of these has its blank side elevation facing the site, and the other is set back some distance from the road, and thus the site. As a result, I am satisfied that the proposal would not have a detrimental impact on the outlook or privacy of either of these properties. The site currently contains a number of outbuildings and sheds. Given this, and the distance maintained to the rear windows on No 3, I consider that the outlook from these windows would not be significantly altered.
  15. Whilst the occupation of the dwelling would result in the generation of some additional noise, given the proposal is only for one dwelling, with limited outdoor space, and that parking for the dwelling would be off-site, I consider that the noise levels would continue to be well within the levels normally considered acceptable for a residential area.
  16. Overall, whilst I consider that the appeal scheme would not result in a loss of outlook or unacceptable levels of noise and disturbance for nearby residents, I have found that it would be detrimental to the living conditions of nearby residents with particular regard to privacy. Accordingly, it would be contrary to Policy H8D of the *Barnsley Unitary Development Plan (adopted December 2000)* (BUDP) which requires that infill development within a residential area should not result in harm to amenities of existing residents.

#### *Living Conditions – Future Occupiers*

17. The proposed bungalow would have a number of windows that would face towards the access road. These would be largely windows serving non-habitable rooms. Given this, and the fact that pedestrian and vehicular movements in front of the house would be limited in number, I am satisfied that the level of overlooking would not be detrimental to the living conditions of future occupiers. Moreover, I observed that the situation would not be significantly different to some of the other houses on the main road who have windows immediately adjacent to the pavement.
18. In addition, due to the elevated position of the property, particularly in relation to the properties to the north, I am satisfied that the main windows would have an adequate outlook.
19. Therefore, I consider that the proposed bungalow would provide acceptable living conditions for future occupiers with regard to privacy and outlook. As a

result, in this regard, it would not be contrary to Policy CSP 29 of the BCS which requires a high quality of design. Nor would it be contrary to the core planning principle (paragraph 17) of the National Planning Policy Framework, that planning should seek to secure high quality design and a good standard of amenity for all existing, and future occupants of land and buildings.

#### *Character and Appearance*

20. The appeal site is situated in a residential area with properties that vary in age, style and type. Whilst some properties in the immediate vicinity are located in close proximity to the road, they all have a reasonable garden to either the front or the rear.
21. The appeal site is a long narrow site, and the appeal property would occupy the full depth of the site. Although a limited amount of garden space would be provided to either side of the building, the circulation spaced around the house would be limited. As a result, and in contrast to the more open and spacious feel of the surrounding area, I consider the development would appear cramped and over developed. This would have a detrimental impact on the character and appearance of the area. In addition, the combination of the elevated position of the site, and its prominent position on the access road, means the dwelling would appear overly dominant in the street scene.
22. Consequently, I consider that the appeal scheme would unacceptably harm the character and appearance of the area. Therefore it would not accord with Policy CSP 29 of the BCS that requires development to have a high quality of design that respects and enhances the townscape character of the area.

#### **Conclusion**

23. Although I have found that the proposal would provide adequate living conditions for future occupiers, it would be detrimental to highways safety, the living conditions of nearby residents and the character and appearance of the area. For these reasons, I conclude the appeal should be dismissed.

*Alison Partington*

INSPECTOR