

Appeal Decision

Site visit made on 30 October 2018

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2018

Appeal Ref: APP/R4408/D/18/3210579

4 Burton Crescent, Monk Bretton, Barnsley, S71 2QD

- 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 Cyril Barnet against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2018/0616, dated 10 May 2018, was refused by notice dated 20 June 2018.
 - The development proposed is an annex to existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A previous application¹ for a detached outbuilding was refused.

Main Issues

3. The main issues in this case are the effect of the proposal on the character and appearance of the area; and its effect on the living conditions of neighbouring occupiers, having regard to daylight and privacy.

Reasons

Character and appearance

4. The appeal property is a two storey semi detached dwelling located within a predominantly residential area. Surrounding dwellings comprise a mix of largely brick-built single and two storey semi detached houses.
5. The appeal property is set back from the road behind a short front garden and has a longer garden to the rear. This garden backs on to the rear garden of a dwelling on Burton Road and is adjacent to the rear gardens of Nos 2 and 6 Burton Crescent. The corner of the appeal property's rear garden lies adjacent to the corner of the short rear garden of a two storey dwelling on Morton Close.
6. Whilst housing around the appeal property is relatively densely developed, the presence of gardens and in particular, rear gardens which adjoin and back onto

¹ Ref: 2018/0064.

one another, contributes an important sense of greenery and spaciousness to local character.

7. The proposed development would comprise an L-shaped, single storey building with a hipped roof. It would have a relatively large footprint, such that it would extend across the majority of the width of the rear garden. The proposal would have the appearance of a small bungalow.
8. During my site visit, I observed that, whilst there are a number of built features in rear gardens, these tend to comprise small scale and largely wooden constructions, such as garden sheds. By way of significant contrast, the proposal would comprise a large, tall, bulky brick-built building. This would, due to its scale and form, appear unduly dominant in the rear garden and would draw attention to itself as an incongruous feature, out of character with the smaller scale outbuildings more common to rear gardens in this location.
9. Further to the above, I find that the proposal would introduce considerable built form where none currently exists. The effect of this would be detrimental to the green and spacious attributes of the area that currently make a positive contribution to local character.
10. Consequently, I find that the proposal would harm the character and appearance of the area. This would be contrary to the National Planning Policy Framework (the Framework), to Barnsley Local Development Framework Core Strategy (2011) (Core Strategy) Policy CSP29, and to the Council's Supplementary Planning Document, House Extensions (2012) (SPD), which together amongst other things, protect local character.

Living conditions

11. Whilst the proposal would introduce a large built feature into a domestic garden, no substantive evidence has been presented in support of the Council's assertion that it would result in material detriment to the occupiers of adjoining properties by reason of overshadowing. Rather, the Council's officer's report suggests that any such impacts could be mitigated by the provision of a garden fence.
12. However, the proposal would result in the creation of two windows and a door facing directly towards Burton Crescent. During my site visit, I observed that the first floor windows of both Nos 2 and 6 Burton Crescent overlook the rear garden of No 4. The proposed windows and door – which would provide the only access and egress from the proposal – would, I find, greatly increase the scope for overlooking between the proposal and neighbouring dwellings. The harm to privacy arising from this may also be exacerbated by the close proximity of the proposed development to these neighbouring properties.
13. In the above regard, I note that the relationship between first floor neighbouring windows and the proposed development would not be significantly altered by the provision of a garden fence along the boundaries of the appeal property's rear garden.
14. Taking the above into account, I find that the proposal would result in harm to the living conditions of neighbouring occupiers with regards to privacy. This would be contrary to the Framework, to Core Strategy Policy CSP29, and to the

Council's SPD, which together amongst other things, seek to protect residential amenity.

Conclusion

15. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR