
Appeal Decision

Site visit made on 17 January 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 24th January 2017

Appeal Ref: APP/R4408/W/16/3160483
132 Park Grove, Barnsley S70 1QG

- 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 Trueman against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2016/0623, dated 26 May 2016, was refused by notice dated 20 July 2016.
 - The development proposed is existing cellar conversion to form self contained 2 bedroom flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note from the Council's officer report, residents' accounts and my site visit that a dormer window occupies the rear roof plane of the property. However, my findings solely relate to the development that has been applied for.

Main Issues

3. The main issues are the effect of the proposed development on the (i) living conditions of occupants of the proposed basement flat, with regards to outlook, natural daylight and ventilation; (ii) living conditions of existing occupants, with regards to access to amenity space; (iii) character and appearance of the area; and (iv) highway safety, with regards to the free flow of traffic in Park Grove.

Reasons

Living conditions of proposed basement flat

4. The appeal site is a cellar in a Victorian villa that is situated on the corner of Park Grove and Charles Street. The property currently has windows that provide a front and rear outlook. A low stone wall and a tall leylandii hedge wrap around the front and side boundaries of the front garden, providing a strong screen to the ground floor front elevation when viewed from the junction of Park Grove and Charles Street. Ground levels fall steadily from the front to the rear of the appeal site.
 5. The rear elevation of the basement would be modified so that the family room would be served by a window and door. Even so, a deep brick built external staircase leading up to the ground floor would be directly in front of the door
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and partially across the window. Although the openings are facing towards the rear garden, the outlook from the family room would be strongly influenced or entirely obscured by the external staircase. Moreover, even though the rear elevation faces easterly, and the windows are designed to be of a good size, the external staircase would hinder the amount of natural daylight that would be able to enter into the family room, especially in the kitchen and dining area. The result would be a gloomy living environment for significant parts of the day, which would leave occupants heavily dependent upon artificial lighting.

6. As the family room would be used regularly by the occupants, I do not consider that occupants of the proposed flat would be able to obtain an adequate standard of outlook or natural daylight in their main living space. The effect would be particularly harmful, given that this room would not be served by any openings in the front elevation. I do, however consider that the openings in the family room would afford a means of escape and ventilation. I also recognise that the bathroom could be mechanically ventilated.
7. In terms of the front bedroom, while part of the window serving this room would be below ground, due to the relative shallow depth of the lightwell, occupants would have an outlook into the front garden area. But, this would only be partial as the vertical sides of the lightwell would extend roughly half way up the window. In combination with the tall leylandii hedge. I consider that the amount of natural daylight which would enter the bedroom would mean that the occupants would not benefit from an adequate standard of outlook or natural daylight. The effect of which would be significant, and chiefly felt at the rear of the room. Despite this, the use of trickle ventilation and an opening window would ensure the bedroom is well ventilated and occupants could escape should the need arise.
8. I therefore conclude, in respect of this issue that the proposed development would significantly affect the living conditions of occupants of the proposed basement flat, with regards to outlook and natural daylight. Thus, the proposal would not conform with Policy CSP29 of the Core Strategy and paragraph 17 of the National Planning Policy Framework as it would not provide a good standard of living conditions for the future occupants of the proposed flat.

Living conditions of existing occupants

9. The ground, first and second floors of the property are laid out on the plans as a House in Multiple Occupation (HMO). This is not a matter which is subject of this appeal, however the effect of the proposed development upon their living conditions is a concern raised by the Council. The appellant recognises that the property has limited external amenity space, however the Council's worry relates to the occupants ability to access the front and rear garden areas. Nevertheless, the plans show that access into the front and rear garden areas would be unaffected by the proposal. As such, occupants of the property would be able to access both amenity spaces which are also large enough to store refuse bins.
10. I therefore conclude on this issue that the proposed development would comply with the South Yorkshire Residential Design Guide and the Supplementary Planning Document *Designing New Housing Developments* (SPD); which together seek, amongst other things, proposals to provide sufficiently sized amenity space to support the living conditions of residents.

Character and appearance

11. Park Grove is characterised by terraced and semi-detached properties on both sides of the road that are of a variety of architectural styles. Properties appear, in the main, to be single occupancy dwellings suitable for families. There are two doctors surgeries and a pharmacy in amongst the residential properties. While Park Grove is well used to access these, the character of the area remains that of a relatively quiet residential area.
12. I noted that a small number of properties on Park Grove have small windows serving a cellar in the bay window. While land in front of their bay windows has not been excavated, these are, like the appeal scheme modestly sized. The proposed window would not therefore be visually obtrusive or out of keeping with the character and appearance of the area, especially as it would not be readily visible from public vantage points due to its siting behind the leylandii hedge. Nevertheless concerns are also raised by the Council and many local residents, about the character of the area moving away from single occupancy dwellings.
13. The appellant in this regard has provided Council Tax records which, despite the Council's contrary view, indicate that a number of properties in Park Grove have already been sub-divided into flats. Hence, the proposal or the appeal at 118 Park Grove¹ would not be the first flatted development. Still, the Council Tax records do also support my own observations that Park Grove remains very heavily influenced and characterised by single occupancy dwellings. While acoustic insulation may counter any effect being felt by neighbours, the appellant recognises the proposal could lead to an increase in noise and disturbance due to activities associated with their occupancy and any visitors.
14. Unlike the potential scenario of an extra family occupying the cellar of the appeal site in addition to the HMO above, single occupancy dwellings do usually result in a lower amount of comings and goings. On this basis I consider that the proposal would, as a result of the extra activity, mean that there would be an appreciable change to the character of this quiet residential area.
15. Having regard to the development at 175 Dodworth Road², I do not consider that it is equivalent to the appeal scheme, given that Dodworth Road is a very busy road in and out of the town centre and the appeal site is part of a much more compact quiet urban environment.
16. Accordingly, I conclude on this issue that the proposed development would significantly harm the character of the area. The proposal would not accord with Policy CSP29 of the Core Strategy and the SPD; which together seek to secure development that is of a high quality which respects local context.

Highway Safety

17. Park Grove is used for on-street vehicular parking by residents and people attending nearby medical centres, shops and schools. There are no parking restrictions that apply. The proposal attracts a parking provision of one space in the Supplementary Planning Document *Parking*. (SPDP) However, given the site's location, which is within reasonable proximity of the town centre and bus

¹ Appeal Ref: APP/R4408/W/16/3160482

² Council Application Ref: 2015/1495

and rail services, I consider that the appeal scheme would result in a limited increase on the extra demand for spaces.

18. Notwithstanding the Council's view that a precedent would be set for future planning applications, I do not consider that the limited extra demand for parking Park Grove would affect the free flow of traffic. While vehicles do park on both sides of the carriageway, they do not prevent vehicles from passing one another even at a lower speed. Furthermore, on-street parking is a common occurrence locally, and I noted spaces were available on Mount Street and Charles Street respectively. I appreciate my visit was only a snap shot in time, but I do not consider that the proposal would change the existing parking arrangement, flow of traffic or speed at which that occurs. Future development proposals may pose a different set of circumstances, and as such I do not consider that my findings set a precedent for future planning applications which would be assessed on their own merits.
19. As such, I conclude on this issue that the proposed development would comply with Policy CSP 29 of the Core Strategy and the SPDP which together seek to enable all people to gain access safely and conveniently.

Other Matters

20. Despite the appellant's concerns about the consistency of the Council's findings of similar development proposals and the handling of the refused application, I have considered this appeal on its planning merits having regard to the specific circumstances presented. Notwithstanding this, and the use of permitted development rights, these matters do not alter or outweigh my findings which are based on the development proposal before me.
21. Although residents refer to Policy H10 of the Barnsley Council Local Plan, I understand that this policy is in consultation draft form. As a result and given that it is unclear whether this policy has been subject of examination in public or if there are any unresolved objections to it, I attach it no weight.

Conclusion

22. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR