
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: 25th January 2017

Appeal Ref: APP/R4408/W/16/3160482
118 Park Grove, Barnsley S70 1QE

- 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 2016/0416, dated 14 April 2016, was refused by notice dated 13 June 2016.
 - The development proposed is a cellar conversion to form 2 bedroom self contained flat.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As part of the appeal the appellant has submitted plan Ref: 724-01 Rev A. This plan has not been subject of public consultation and it did not form part of the Council's consideration of the application. Given that the appeal process should not usually be used to evolve a scheme and a fresh planning application should normally be made¹, I have considered this appeal on the basis of the scheme that formed part of the application considered by the Council.

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 amenity space and refuse storage; (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 mid-terrace property with garden areas to the front and rear. The property has a large bay window at ground floor. A single glazed door would provide a means of outlook, daylight and ventilation for the multifunctional kitchen, dining and living space at the front of the flat. This doorway would largely be beneath external ground level, except for a stepped access in front which would provide the occupants with access to and from Park

¹ The Planning Inspectorate Procedural Guide, 5 August 2016, Annex M, Paragraphs M1.1 and M2.1

- Grove. Both sides of the narrow stairwell would be vertical, albeit decreasing in height towards Park Grove due to the properties slightly elevated position.
5. The appellant accepts there are issues with the scheme which formed part of the Council's decision. While they may be addressed through amendments, this is not a matter for me for the reasons that I have set out.
 6. The outlook from the multifunctional space would, notwithstanding the use of a glazed door and sloping sides, be mainly onto a solid surface that would be beneath the level of the front garden. This would heavily restrict the outlook that the occupants would have from this space, especially towards the rear of the room or in the kitchen which would be at an angle to the doorway. As they would use this space regularly, I do not consider occupants of the proposed flat would be able to obtain an adequate standard of outlook from this room.
 7. Due to the narrow sunken doorway which faces west, the amount of natural daylight entering into the kitchen, dining and living space would be heavily restricted. The effect would be mainly felt at the rear of the room, which would feel gloomy for significant parts of the day. Occupants would therefore be heavily dependent upon artificial lighting. Thus, I do not consider the proposed front room of the flat would be served by an adequate level of natural daylight.
 8. While concerns are expressed by the Council about the ventilation of the front living space due to the proposed door, I am not persuaded that this matter could not be alleviated by venting the room by mechanical means.
 9. Accordingly, on this issue, I conclude that the proposed development would significantly affect the living conditions of occupants of the proposed basement flat, with regards to outlook and natural daylight. The appeal scheme would not accord 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

10. 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 the subject of this appeal, but the effect of the proposed development upon their living conditions is a consideration. Currently occupants in the ground, first and second floors can access the front and rear garden areas as well as the raised terrace.
11. The South Yorkshire Residential Design Guide (SYRDG) indicates that shared private amenity spaces for flatted development should be a minimum of 50m² with an extra 10m² per unit, provided as either a balcony or as part of the shared private amenity space. Occupants of the remainder of the property would, accordingly to the plans, retain access to the small raised terrace which could be used to dry clothing. However the area is substantially below the minimum standard in the SYRDG and would not readily accommodate refuse storage at the same time. Even though there is also a front garden, this area is smaller and it would be relied upon to form the stepped access to the basement, which would limit its use significantly.
12. While the appellant points to the use of the public amenity space at Locke Park and the sports facilities at Shaw Lane and Broadway which are a reasonable distance away, it would be a realistic expectation of the occupants to be able to socialise or store refuse and recycling in their private or shared amenity space.

13. For these reasons, I conclude, on this issue that the proposed development would result in significant harm to the living conditions of existing occupants, with regards to amenity space and refuse storage. The proposal would be contrary to the SYRDG and the Supplementary Planning Document *Designing New Housing Developments* (SPD); which together seek, amongst other things, sufficiently sized amenity spaces to support the living conditions of residents.

Character and appearance

14. Park Grove is characterised by terraced and semi-detached properties on both sides of the road that display 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, its character remains that of a relatively quiet residential area.
15. A handful of properties on Park Grove have small windows serving a cellar in the bay window. These are modestly sized and have not, as far as I could tell involved the excavation of part of the front garden. None involve the formation of an external staircase leading down to a cellar. The proposed entrance to the appeal scheme would introduce a new feature but, as the Council recognise, it would not be readily visible. For that reason, I do not consider that the proposed doorway would harmfully affect the character and appearance of the area. However this addresses only part of the Council's and many residents' concerns which relate to the character of the area moving away from single occupancy dwellings.
16. In response to this concern, the appellant's evidence in the form of Council Tax records suggests that a number of properties, spread across Park Grove have already been sub-divided into flats. These show, despite the Council's view to the contrary, that the proposal would not be the first flatted development on Park Grove. I also appreciate that a separate appeal for a similar development proposal at 132 Park Grove is subject of a separate decision². Still, the Council Tax records to also support my own observations that Park Grove remains substantially populated and characterised by single occupancy dwellings. Although acoustic insulation may prevent a detrimental effect being created on the living conditions of neighbouring occupants, the appellant recognises, the proposal could lead to an increase in noise and disturbance due to activities associated with their occupancy and through visitors.
17. Single occupancy dwellings do usually result in a lower amount of comings and goings compared to a potential scenario of an extra family occupying the basement of the appeal site that is also used as a HMO. I therefore consider that the proposal would as a result of the extra activity lead to an appreciable change to the character of this quiet residential area.
18. The appellant has directed me to a similar development at 175 Dodworth Road³. However, I do not consider that it is directly comparable to the appeal site, given it is on 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.
19. I therefore conclude, on this issue, that the proposed development would significantly harm the character of the area. The proposal would not accord

² Appeal Ref: APP/R4408/W/16/3160483

³ Council Application Ref: 2015/1495

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

20. 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, yet the site is within reasonable proximity of the town centre and bus and rail services. The Supplementary Planning Document *Parking* (SPDP) sets out that a two bedroom unit attracts a single extra car parking space. While the proposal offers no specific provision, given the site's location and proximity to sustainable modes of transport, I share the view of the parties that the proposal would result in a limited increase on the demand for spaces in Park Grove.
21. In terms of the effect of this, despite vehicles parking on both sides of the carriageway, this does not prevent vehicles from passing, albeit at slower speeds. I also observed on-street parking is common locally and some spaces were available a short walk away in Mount Street and Charles Street. The limited extra demand for on-street parking would not by itself alter the existing parking arrangement, flow of traffic or speed at which that occurs. For these reasons, I am not certain that the limited extra demand for on-street car parking would affect the free flow of traffic. While the Council have concerns that a precedent would be set for future planning applications, they may present 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.
22. I therefore conclude that the proposed development would, on this issue, 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

23. I have had regard to the appellant's concerns about the consistency of the Council's findings of similar development proposals and the handling of the refused application. However, I have considered this appeal on its own merits. Aside to this, and the use of permitted development rights which can be used to alter homes, these matters do not alter or outweigh my findings which are based on the scheme before me.
24. Although residents refer to Policy H10 of the Barnsley Council Local Plan, I understand that this policy is in consultation draft form. Given the stage that this policy is at, I attach it no weight.

Conclusion

25. I have found no harm from the appeal scheme in relation to highway safety. This is not outweighed, however, by the harm that I have found in relation to the scheme's impact upon living conditions and the character of the area.
26. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR