
Appeal Decision

Site visit made on 3 July 2017

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 24th July 2017

Appeal Ref: APP/R4408/W/17/3170830

Knowles Street, Spring Vale, Barnsley S36 6HB.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Build Tec Ltd against Barnsley Metropolitan Borough Council.
 - The application Ref: 2016/1035, is dated 18 August 2016.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is whether the proposed development would be satisfactorily located with regard to the living conditions of the adjoining residents and the future residents of the proposed dwelling.

Reasons

3. The appeal site access would be located next to the driveway of No 20 Knowles Street. It would run close to the common boundary and drop quite steeply to the main part of the site. The cross section provided by the Appellant shows the access to have a gradient of 1 in 12 adjacent to No 20 (the maximum recommended by the Highway Authority). Driving a vehicle out of the appeal site would therefore be likely to produce a greater level of noise than would be the case with a relatively shallow gradient. As such there would be the potential (at the very least) for noise disturbance in the rear garden of No 20, and possibly within the dwelling itself.
4. Of greater concern, however, is the location of the site close to Argo Feeds, an industrial concern to the east. Activity on that site was clearly audible to me at my site inspection, and I note the Council's comments that noise from Argo Feeds has been the subject of complaint from nearby residents.
5. I am told that the Council requested up to date noise information, but the only evidence submitted and brought to my attention relates to a 2014 assessment carried out in connection with a different proposal. I share the Council's concern that the assessment is of some age and that background circumstances may have changed significantly. In any event the 2014 assessment was carried out during a short period of one morning and I cannot be confident that the reported conditions are in any way typical or

representative. As such I am not satisfied that it has been shown that the development, if implemented, would avoid the likelihood of noise nuisance being experienced by residents of the dwelling. Although I accept that internal noise can be controlled to some extent, external noise may well be significant and have a harmful impact upon the living conditions of future residents.

6. Policy H8D of the Barnsley Unitary Development Plan indicates that permission will only be granted for backland development (as here) if it would not harm the amenities of existing residents. Policy H8A requires development to provide acceptable standards of residential amenity for new and existing residents. Similarly Policy CSP 40 of the Core Strategy requires that development avoids residential development where existing noise is unacceptable without mitigation. For the reasons given above I am not satisfied that it has been shown that the proposal complies with these policies. The proposal therefore conflicts with the development plan.

Other Matters

7. I have noted other concerns relating to access across the private street, but this is not a matter which impacts upon my consideration of the appeal as it is a private matter between the relevant parties. I am satisfied that matters relating to drainage and trees could be dealt with by the imposition of appropriate conditions, and there has been no criticism of the design of the proposal per se. These considerations do not weigh against the proposal.

Overall Conclusion

8. In my judgement the Appellant has failed to demonstrate that the proposal would provide a satisfactory living environment. It would be likely to impact harmfully on the living conditions of adjoining occupiers and of the residents of the proposed dwelling. It is therefore in conflict with the development plan. The development plan follows the thrust of the National Planning Policy Framework in this respect.
9. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR