
Appeal Decision

Site visit made on 7 November 2017

by R A Exton Dip URP MRTPI

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

Decision date: 13th November 2017

Appeal Ref: APP/R4408/W/17/3180604

Courtland, Halifax Road, Thurgoland, Barnsley S35 7AL

- 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 Matthew Nicholson and Mrs Barbara Martin against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2017/0171, dated 2 February 2017, was refused by notice dated 3 April 2017.
 - The development proposed is described as erection of detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling at Courtland, Halifax Road, Thurgoland, Barnsley S35 7AL in accordance with the terms of the application, Ref 2017/0171, dated 2 February 2017, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on i) the living conditions of nearby residents and future occupiers of the proposal; and iii) the character and appearance of the area.

Reasons

Living conditions

3. The proposal would utilise the existing access off Halifax Road that passes in between Highfield and The Brow to serve Courtland. This is presently a hard surfaced driveway with raised grass margins either side. The proposal would increase the width of the access and decrease its gradient with a new tarmac covered private drive. Margins to either side would remain, albeit of a reduced width.
4. Reasonable separation distances would remain between the proposed access and Highfield and The Brow, both of which have garages situated along their shared boundaries with it. The amount of vehicle and pedestrian movements associated with the proposal and Courtland are likely to be relatively low and these would generate a limited amount of noise on the proposed tarmac surface. Taking the above factors into account, I consider that occupiers of Highfield and The Brow would not suffer significant disturbance from vehicle movements,

5. Parking and turning space for the proposal would be situated to the rear of The Brow and at a lower level due to the fall of the site. Vehicle and pedestrian movements in this area associated with the proposal are likely to be limited and of short duration. Subject to appropriate surfacing of the parking and turning area, which could be required by planning condition, I consider that occupiers of The Brow would not suffer significant disturbance.
6. Gradients of land within the appeal site closest to The Brow would make it unsuitable as useable garden area. There would be an extensive garden area available to occupiers of the proposal at a lower level to the south west. Consequently, occupiers of the proposal are unlikely to use the area closest to The Brow in a way that would cause significant loss of privacy to occupiers.
7. When viewed from rear facing rooms and the rear garden of The Brow, the proposal would present a grassed mound flanked by dry stone walling. The mound would rise to a maximum height slightly greater than the floor level of The Brow. Whilst the view from rear facing rooms and the garden of The Brow would change as a result of this, it would not be completely blocked. There would still be views over the proposal to the landscape beyond, providing a reasonable outlook for occupiers. In light of this I consider that the effect on living conditions of occupiers of The Brow would not be so adverse as to warrant the refusal of planning permission. The long term maintenance of the mound and the effect this may have on living conditions cannot be secured through planning controls.
8. An open terrace is incorporated into the south west elevation of the proposal. From this there would be views across into the lower level garden area of Courtland. Courtland also has an open terrace along its south west elevation which would conversely allow views into the lower level garden area of the proposal. The degree of visibility would depend on the long term management of the proposed hedge separating the two properties. Given the size of the garden areas to both Courtland and the proposal, and the control that would exist over the future management of the proposed hedge, I consider that the degree of mutual overlooking that would exist would not be significantly harmful.
9. A substantial hedge separates the appeal site from Birley. I consider this would prevent any significant overlooking and loss of privacy to the rear garden of this property.
10. In light of the above I conclude that the proposal accords with Policy H8D of the Barnsley Unitary Development Plan adopted 2000. This seeks to resist proposals for backland development which result in harm to the amenities of existing residents.

Character and appearance

11. Due to the lower level of the appeal site, relative to Halifax Road, the proposal would not be highly visible within the street scene. It would be more visible in distant views from the south west. Here, it would be seen against the backdrop of other development at higher level.
12. I noted development of varying age and appearance within the area on my site visit. This included bungalows and houses of different proportions, roof

configurations and external materials, displaying no particular local distinctiveness.

13. The proposal would utilise some traditional materials within an innovative modern design. Whilst this would appear different to other dwellings in the area this is not in itself a reason to resist the proposal. Paragraph 60 of the National Planning Policy Framework ('the Framework') states that decisions should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. In the absence of particular local distinctiveness and in the varied context of surrounding development I consider that the proposal would not be harmful to the character and appearance of the area. Consequently it would accord with Policy CSP29 of the Barnsley Local development Framework Core Strategy adopted 2011. This requires development proposals to be of a high quality. It would also accord with the Framework insofar as it requires good design.

Other matters

14. I note the Council's and interested parties concerns over the potential for other similar developments that may erode the character of the area. Notwithstanding I have found the proposal acceptable in terms of character and appearance there is insufficient evidence before me to demonstrate that this would be the case. Future proposals would be assessed on their own merits in light of development plan policies in place and material considerations relevant at the time.
15. I also note interested parties concerns relating to highway safety and drainage issues. However, there is insufficient evidence before me to demonstrate that these factors justify the refusal of planning permission.

Conclusion and conditions

16. For the reasons given above I conclude that the appeal should be allowed. I have considered the 9 conditions the Council request are imposed if the appeal is allowed. Conditions 1 and 2 are necessary to control commencement and ensure the development is carried out in accordance with the approved plans. Conditions 3-5 are necessary to ensure the development has a satisfactory appearance. Conditions 6-9 are necessary in the interests of highway safety and living conditions of nearby residents.

Richard Exton

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drwg No. P1 Rev A, Drwg No. P2 Rev B, both dated November 2016.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the dwelling hereby permitted.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
- 6) Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
- 7) The parking and turning area, indicated on the approved plan, shall be surfaced in a solid bound material (ie not loose chippings) and made available for the manœuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
- 8) No development shall commence until details of measures to prevent mud/debris from being deposited on the public highway to the detriment of road safety, have been submitted to and approved in writing by the Local Planning Authority, and such measures shall be retained for the entire construction period.
- 9) No development shall commence until details of all areas for the parking of all employees' vehicles, the storage of building materials and plant have been submitted and approved in writing by the Local Planning Authority, and such areas shall be retained for the entire construction period.