



Appeal Decision

Site visit made on 4 June 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2019

Appeal Ref: APP/R4408/W/19/3223253

Land adjacent to 1 Broad Street, Hoyland, Barnsley S74 9DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mrs Lisa Fox against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref: 2018/1478, dated 26 November 2018, was refused by notice dated 28 January 2019.
 - The development proposed is extensions and alterations to building including provision of pitched gable roof and new and replacement windows to enable conversion into 2 No apartments.
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Decision

1. The appeal is allowed and planning permission is granted for extensions and alterations to building including provision of pitched gable roof and new and replacement windows to enable conversion into 2 No apartments at land adjacent to 1 Broad Street, Hoyland, Barnsley S74 9DY in accordance with the terms of the application, Ref: 2018/1478, dated 26 November 2018, and the plans submitted with it, subject to the following 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 drawings: Location Plan; 2018-103 Rev.B Existing and Proposed Plan.
 - 3) The external materials to be used in the development hereby permitted shall match those used in the existing building.
 - 4) 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, 0900 to 1400 on Saturdays, and at no time on Sundays or Bank Holidays.

Procedural Matter

2. The description of development in the heading above is taken from the decision notice and appeal form as it is more precise than that in the application form.

Main Issues

3. The main issues are the effect of the proposed development on a) the living conditions of future occupants, and b) highway safety.

Reasons

Living conditions

4. The appeal site comprises a two-storey building formerly used as a builder's yard, located on a mainly residential street. The proposal would provide two apartments.
5. Policy GD1 of the Barnsley Local Plan (2019) (LP) requires, amongst other things, that development should entail 'no significant adverse effect on the living conditions and residential amenity of existing and future residents'. The Barnsley Designing New Housing Development Supplementary Planning Document (2012) (SPD1) sets out that high-level windows should not be used in habitable rooms.
6. One of the bedrooms would have lower level windows with outlook. The other three bedrooms would have high level windows, many of which would be of velux type. The main shared living areas in both apartments, comprising the open-plan lounge and kitchen areas, would benefit from outlook and natural light from the building's front windows, and natural light from other windows.
7. Taking these factors together, I find that overall, the proposal would have a moderately adverse effect on living conditions of occupants. This would not accord with the guidance in SPD1 in respect of windows. However, as the adverse effect would not be significant, the proposal would not conflict with Policy GD1 of the LP. Together the policies and guidance seek to ensure that development safeguards the living conditions of residents.

Highway safety

8. Policy T3 of the LP requires, amongst other things, that development reduces the need to travel, is accessible to public transport and meets the needs of pedestrians and cyclists. T3 also requires development to provide at least the minimum levels of parking set out in the relevant Supplementary Planning Document. Barnsley Parking Supplementary Planning Document (2012) (SPD2) recommends one parking space per two-bedroom dwelling. If it is not possible for the minimum amount of parking to be met on site, T3 sets out that the developer must provide, or contribute towards, off-site parking, or improve or provide other forms of travel. Policy T4 of the LP stipulates that development should provide transport users with safe, secure and convenient access and movement.
9. The proposal would not provide off-street parking or secure cycle parking. The lack of available external on-site space for such provision precludes this. However, the appeal site is close to a well-served bus corridor situated along West Street, which provides frequent buses to Hoyland and Barnsley. Moreover, the site is within a short walk of neighbourhood shops and Hoyland town centre.

10. As such, the site is particularly accessibly located for occupants to use local public transport services, shops and facilities. This would also reduce the need for occupants to rely on the private car.
11. I note the Council's concern about parking stress on Broad Street, adjacent to the Junction with West Street, given the needs of adjacent commercial properties and terraced dwellings. The Council is also concerned about visibility at the junction of Broad Street and West Street due to on-street parking. On my site visit I saw some daytime capacity for on-street parking on Broad Street, albeit this being a 'snapshot' in time. Moreover, the proposed scale of development is small, and the site has strong accessibility for non-car modes of travel.
12. Taking the above factors together, I conclude that the proposed development would not significantly increase traffic flow or highway safety risk in the area. As such, the proposed development would not conflict with Policy T4 of the LP. The proposal would not accord with Policy T3 of the LP and the guidance in SPD2, in that the developer would not directly improve non-car forms of travel. However, the particular accessibility of the site for bus and pedestrian travel would encourage use of such modes, and, in so doing, contribute, in a small way, to sustaining provision for them.

Conditions

13. The conditions suggested by the Council have been considered against the tests of the Framework and advice provided by Planning Practice Guidance. They have been broadly found to be reasonable and necessary in the circumstances of this case. I have made some minor drafting changes to suggested conditions in the interests of precision.
14. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. A condition regarding materials is required to safeguard the character and appearance of the area. I attach a condition relating to construction timings to safeguard living conditions of residents.

Planning Balance and Conclusion

15. The appeal site is in a strongly sustainable location in terms of public transport and walkable access to services and facilities. The appeal building is mainly surrounded by residential properties. It is substantially constrained from installation of lower-level windows on three of its four elevations, in order to protect residents' privacy. Accordingly, it is hard to envisage realistic re-use of the building, without some use of high-level windows. Therefore, I find that the site is somewhat unique in its constraints and opportunities, and, in this case, warrants a somewhat bespoke design approach.
16. I recognise the Council's view that a single apartment approach may provide an alternative solution. However, there is no guarantee of that happening, and the proposal provides a realistic opportunity to halt the further deterioration of what is, in design terms, a somewhat challenging building. Moreover, given the extent of constraint on the building's elevations, it is hard to see how high-level windows can be avoided.
17. Regenerating the building would broadly accord with LP Policy D1's aim to 'help to transform the character of physical environments that have become run

down'. Whilst the level of outlook from some windows would be less than perfect, the proposal would provide two new units of residential accommodation in a particularly accessible location, with pleasant shared kitchen and lounge living areas. Taking all the above together, I find that the proposal's planning benefit would outweigh the harm identified.

18. For the reasons given above I conclude that the appeal should be allowed.

William Cooper

INSPECTOR