



Appeal Decision

Site visit made on 10 June 2019 by C McDonagh BA (Hons), MA

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2019

Appeal Ref: APP/R4408/W/19/3226440

8 Scar Lane, Ardsley, Barnsley, S71 5BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Catherine Winstanley against the decision of Barnsley Metropolitan Borough Council
 - The application Ref 2018/1101, dated 28 August 2018, was refused by notice dated 1 March 2019.
 - The development proposed is 2 new detached bungalows.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The application was made in outline with all matters reserved for subsequent approval. The application was accompanied by a site plan indicating the potential location of two dwellings on the site, served by a shared access off the adjoining lane known as Quaker Lane. I have dealt with the appeal on the basis that this plan is for indicative purposes only and whilst it has informed my decision it has not, in itself, been determinative.
4. Since making its decision, the Council has adopted a new Supplementary Planning Document (SPD) entitled 'Design of Housing Development' (May 2019). This SPD replaces the previous version 'Designing New Housing Development' (March 2012), which was used in the determination of the initial application. The relevant sections of the new SPD, on which the appellant has had the opportunity to comment, are largely the same as those in the 2012 version. I have therefore considered the proposal on the basis of the most up to date version of the SPD.

Main Issues

5. The main issues for consideration in this appeal are as follows:
 - the effect of the proposal on the character and appearance of the area;

- the effect of the proposal on the living conditions of nearby residents with particular regard to increased residential and vehicular activity; and
- whether the site provides safe and suitable access.

Reasons for the Recommendation

Character and appearance

6. The appeal site is located on a parcel of land set between residences to the northwest and southwest, with a narrow access track known as Quaker Lane running along the eastern boundary. The site is disused at present but contains two outbuildings adjacent to one another (north and south), both of flat roof, single storey red brick construction. Overall the site is in poor condition with overgrown foliage enveloping the structures, walls and surfaces. The wider area is characterised by a mixture of development types, with the houses to the north of single-storey, flat roof appearance off Quaker Lane and those to the southwest two-storey terraces. To the east bungalows are prevalent, with dwellings on Northumberland Way and Penrith Grove of this typology.
7. The proposal involves the demolition of the two existing buildings and the construction of two detached bungalows using the existing access from Quaker Lane. The indicative site plan shows the two new bungalows located adjacent to one another in much the same manner as the existing buildings on site. Both new dwellings would be situated to the south of the existing buildings they would replace.
8. The proposal to redevelop the site offers an opportunity to reinvigorate and improve the appearance of this small area of land, with the dilapidated buildings removed and dense foliage cleared and replaced with development that makes a more efficient use of the land. The Council has referred me to the Design of Housing Development SPD which includes a section on backland development. The parties dispute the definition of this site as backland but notwithstanding that, the underlying concern is the impact of the proposal upon the prevailing pattern of development in the area.
9. I noted on the site visit a mixture of development patterns in the area. The terraced housing to the southwest is linear in form, while the bungalows to the east are on larger plots orientated in several directions as the street turns. The site itself is located behind existing housing plots but nevertheless does have access from Quaker Lane, akin to the houses to the north. I acknowledge the Council's concerns about the visual harm a tandem form of development could have on the pattern of development in an area. However, given the houses would be fronting onto a shared access, not with one behind the other, I am unconvinced this would be a significantly harmful issue in this case. Similarly, there is no reason to conclude that the development of this land would prejudice any future development of a wider parcel of land.
10. Consequently, on balance I conclude on this first main issue that the proposal would not cause any significant harm to the character or appearance of the area. As such, the proposal would accord with Policies GD1 and D1 of the Barnsley Local Plan (LP). These policies set out general guidelines for development and seek, amongst other things, to ensure that development respects and reinforces local character and to transform the character of physical environments that have become run down and are lacking in

distinctiveness and contribute to place making. The redevelopment of the site would also add to the overall quality of the area, in line with the aims of paragraph 127(a) of the National Planning Policy Framework (the Framework).

Living conditions

11. The site is bound by 2 properties to the northwest, and 4 to the southwest. The existing dwellings are a reasonable distance from the proposed locations of the bungalows, which the Council agrees would likely be enough to accord with the SPD on separation distances which control overlooking, loss of light and outlook.
12. The Council has referenced concerns regarding the increased residential and vehicular activity associated with the development if allowed. While the use of the site would intensify if the area was inhabited, vehicular movements associated with two dwellings, even including deliveries and visitors, would be minimal and unlikely to contribute to excess noise levels disturbing nearby residents. There is no reason to suggest that future occupants of the development would be unduly noisy or cause any greater disturbance than normally expected in a residential area.
13. Policy GD1 of the LP encourages development which avoids significant adverse effect on the living conditions and residential amenity of existing and future residents, while D1 does not specifically relate to living conditions. Guidance within the SPD as it pertains to noise is limited but I find no conflict here, and the Council agree distances to control other aspects of living conditions are acceptable. Taking the above factors into account, I do not consider that the proposal would harm the living conditions of the occupants of nearby properties in accordance with GD1 of the LP and paragraph 127(f) of the Framework.

Providing safe and suitable access

14. Access to the proposed development would be taken from Quaker Lane to the east, which is also a public footpath. This track begins at the end of the adopted highway at Northumberland Way to the northeast, which is a residential street. Quaker Lane then runs east-west before a sharp turn to the south where it descends downhill, passing No.10 Scar Lane on this bend and, further down the descent, the appeal site. After passing the appeal site the track narrows to a pedestrian footpath at a set of metal barriers to prohibit vehicles.
15. Quaker Lane is largely unsurfaced, uneven and is in poor condition generally. Its east-west stretch to the north is wider but there is little room to turn without reversing back out to Northumberland Way. Where the lane turns south, it is bound on one side by the garden wall of No.10 Scar Lane and on the other by foliage, narrowing significantly. There are no segregated walkways for pedestrians or street lighting, and modern, large cars would leave little room for people to move along the lane especially when heading south towards the appeal site. This has the potential to create conflict and safety issues between pedestrians and vehicles. Additionally, there would be a large distance to move bins on collection days to Northumberland Way which would be inconvenient for potential occupants.
16. While I acknowledge that part of the lane already affords vehicular access to several properties to the north, the submitted information states these

dwellings date from the turn of the 20th century when different circumstances applied. I note from third party correspondence that the road conditions along even this stretch of the lane cause concern and inconvenience for some residents. In any event, this part of the track is wider than that section approaching the appeal site. Large emergency vehicles such as fire appliances and ambulances, as well as service vehicles such as those used for deliveries, would struggle to negotiate this section of the lane in my view because of the of the alignment of the track, the narrowness of the lane and lack of turning facilities. Consequently, vehicles could be forced to reverse out of the lane back to the adopted highway at Northumberland Way causing a danger to highway safety.

17. The appellant suggests that this development would improve the access by including the provision of a turning head and widening the track in the vicinity of the site as part of the overall plan to develop the site. However, I have no information before me as to how that would be achieved and as such have determined the appeal as presented to me.
18. Therefore, I conclude on this issue that the proposal has failed to demonstrate that a safe and suitable access to the site can be achieved. As such the proposal is contrary to Policies T4 and D1 of the LP which seek to provide safe, secure and convenient access and movement with appropriate vehicular and pedestrian links throughout the site and into adjacent areas. The proposal would also conflict with the Framework's aim of achieving safe and suitable access to sites for all users and allowing for the efficient delivery of goods and access by service and emergency vehicles.

Recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR