The Planning Inspectorate

# Appeal Decision

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

**Decision by Susan Ashworth BA (Hons) BPl MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 July 2019**

**Appeal Ref: APP/R4408/D/19/3226422**
**20 Gilder Way, Shafton, Barnsley, S72 8WP**

- 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 Mrs Diane Yates against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2019/0070 dated 15 January 2019 was refused by notice dated 13 March 2019.
- The development proposed is a two-storey side extension.

## 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. Since the decision, the Council has adopted a new Supplementary Planning Document (SPD) titled 'House Extensions and Other Domestic Alterations' (May 2019). This was submitted by the Council with their evidence as supplementary guidance, but a previous version adopted in 2012 titled 'House Extensions' was the relevant version during the application process. 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

4. The main issues for consideration in this appeal are the effects of the proposal on the character and appearance of the area and living conditions of the occupiers of adjacent dwellings.

## Reasons for the Recommendation

*Character and appearance*

5. The appeal site forms the end property of a four-dwelling terrace located on a corner plot, with Gilder Way to the front and the gable end facing onto a small cul-de-sac to the side. The property is of two-storey, red brick construction with a pitched roof and gable mirrored by that of the other end dwelling on the

same row. The Gilder Way estate contains a mixture of detached, semi-detached and terraced housing and is densely formed, with narrow internal roads and a lack of garden space to the front and sides of most houses.

6. The proposal is to build a two-storey extension upon the side elevation, which would cover half of the length of the gable and project to the western boundary of the property, while maintaining the existing blank wall. A window and roller shutter door are proposed upon the front elevation of the extension, with further fenestration at ground and first floor level to the rear. The facing brick of the walls and roof tiles would match those of the existing, while the roof would be set below the height of the host property while maintaining the pitched appearance.

7. The appeal site occupies a corner plot and the extension would be prominent in the streetscene when travelling along Gilder Way. A small area of garden space exists to the side of the appeal property, which is rare within this area and serves to alleviate some of the feeling of densely packed built form when travelling through the estate. This is exacerbated by the lack of off-street parking available for the terraced housing, as cars line the road along Gilder Way. The space therefore makes a significant, positive contribution to the character and appearance of the surrounding area.

8. The National Planning Policy Framework 2019 (The Framework) sets out the government's aim of achieving well designed places and refers to the need to ensure that development should, amongst other things, add to the overall quality of the area. Providing more detailed guidance, the SPD advises that two-storey side extensions on corner plots should not fill more than half of the gap between the side elevation of the original dwelling and the property's side boundary. The extension would essentially fill this gap entirely, contrary to guidance. Given its location and resulting erosion of open space, especially when turning into the cul-de-sac from Gilder Way, it would not contribute positively to the area and would appear intrusive.

9. Consequently, the proposal would have a harmful effect on the character and appearance of the area. As such it would be contrary to policy D1 of the Barnsley Local Plan (LP), which seeks to ensure that development is of a high quality and contributes positively to place making and the character of an area.

*Living conditions*

10. The extension would project from its gable end towards the front elevation of a row of 3 terraced houses located to the other side of the junction of Gilder Way and the cul-de-sac. The officer report references a 12m distance as being 'normally accepted', but a judgement is still required as to the impact of these works.

11. The extension would project towards habitable rooms, but the facing wall would maintain its blank façade and only covers half of this elevation. I am satisfied this would not lead to an overbearing impact upon the occupiers of the adjacent row of dwellings that would affect their outlook negatively. Accordingly, I find the proposal to be in accordance with policy D1 of the LP and relevant provisions of the SPD with regards to living conditions.

*Other matters*

12. The appellant has drawn my attention to a planning permission granted in 2010 for a more extensive development at the property which included a side extension of a similar scale and form to that now proposed[1]. That permission lapsed some time ago and does not therefore represent a 'fall-back' position. I am not aware of the development plan policies in force at the time of the earlier decision but it is clear that it predated the adoption of the 2012 SPD and indeed the Framework. It is incumbent on me to determine the proposal on the basis of the current policies and guidance. Whilst I acknowledge that the proposal would comply with some of the guidance of the SPD it would not preserve the character or appearance of the area for reasons set out above.

13. The appellant also cites a discussion with the Council Planning Officer whereby it is claimed the Officer agreed that if the plans were to be amended, a single-storey extension would be acceptable. I have no evidence of this, nor is it my place to comment on any discussions between the parties. I have determined the application based on the evidence before me.

**Recommendation**

14. 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**

15. 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

[1] Application Ref: 10/0655