
Appeal Decision

Site visit made on 7 January 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2020

Appeal Ref: APP/R4408/W/19/3239093

8 Upper Hoyland Road, Hoyland, Barnsley S74 9NJ

- 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 Simon Sangha against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2017/1388, dated 16 October 2017, was refused by notice dated 15 April 2019.
 - The development proposed is described as “detached dwelling and detached garage”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the living conditions of the occupiers of 6a Upper Hoyland Road (No 6a) with regards to outlook and light; the effect of the proposal on the character and appearance of the surrounding area; and the effect of the proposal on development of adjacent sites.

Reasons

Living conditions

3. The proposed property would be large in both height and depth and would be developed close to the boundary with No 6a. There is a window in the side and windows and doors in the rear of No 6a which would be in close proximity to the proposed property. Due to its height and scale, the proposal would create a dominant expanse of built development along the boundary when viewed from No 6a.
4. The proximity of the windows and doors of No 6a to the proposed development would result in the building having an unavoidable and overbearing presence that would dominate the outlook from No 6a and harming the living conditions of the occupants.
5. Given the location of the proposed property and the large expanse of built development along the boundary with No 6a. This would have a significant adverse effect on the light into the window and doors of No 6a therefore creating overshadowing that would be detrimental to the living conditions of the occupiers of No 6a.
6. I therefore find that the proposed property would have a harmful effect on the living conditions of the occupiers of No 6a with regards to outlook and light. The proposal fails to comply with Policy GD1 of the Barnsley Local Plan 2019

(BLP) and the Supplementary Planning Document Design of Housing Development 2019 (SPD) which seeks development to not have significant adverse effect on the living conditions and residential amenity of existing and future residents.

Character and appearance

7. The surrounding area is characterised predominantly by residential properties of different architectural styles and sizes. It is this variation in the built form which contributes to the character of the area.
8. The proposal would be large in scale having a prominent position on the site. The property would not appear out of keeping with the variant sizes of properties in the area, some of which are large in scale. The proposed front elevation is dominated with fenestration however, given the different design styles in the area, this would not appear visually intrusive to the appearance of the surrounding area.
9. There are a number of garages in the area located close to the main highway. Whilst the proposed garage would have a different roof design to some of these other garages, the size and style would be modest and would not appear visually detrimental within the surrounding area. Due to the mix of styles and sizes of the properties in the area, the proposed property and garage would not dominate the street scene or have an adverse effect on the surrounding built form.
10. The proposed development would not have a harmful effect on the character and appearance of the surrounding area. The proposal would accord with Policy D1 of the BLP and SPD, and the National Planning Policy Framework (the Framework) which seek development to be compatible with neighbouring land and be of high quality design.
11. Whilst I have found that the proposal would not have a detrimental effect on the character and appearance of the surrounding area, this would not outweigh the harm I have identified with regards to the living conditions of the occupiers of No 6a.

Development on adjacent sites

12. An indicative layout plan has been submitted which shows two additional properties on land adjoining the appeal site. The Council considers the proposal would be contrary to Policies H9, GD1 and D1 of the BLP, the SPD and the Framework as it would amount to overdevelopment of the land. These two properties do not form part of the appeal which is before me, nor is there any evidence to suggest that these proposals have been submitted as a planning application or have any formal planning permission. From the evidence presented, I am unable to come to a conclusion on whether the proposal would prejudice development on adjacent land. This matter however does not alter my findings on the issues above.

Other matters

13. The proposal would allow the creation of a new house built to modern sustainable standards which is considered acceptable in principle by the Council. There are also no primary objections raised by statutory consultees

including the Council Highways Department. These matters however would not outweigh the harm which I have identified with regards to living conditions.

14. Some concerns have been raised including parking, anti-social behaviour, noise, size of the development and the use of the proposed property. I have given careful consideration to these matters, some of which would be capable of being addressed by planning conditions in any event, but they do not lead me to a different overall conclusion on the main issues.

Conclusion

15. I conclude that for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR