
Appeal Decision

Site visit made on 20 February 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

Appeal Ref: APP/R4408/D/19/3241752

50 Guest Street, Hoyland, Barnsley, S74 9SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Richard Crump against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2019/1156, dated 8 September 2018, was refused by notice dated 7 November 2019.
 - The development proposed is described as "rear single storey living room".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made on the same basis.

Main Issues

3. I consider the main issues in this appeal to be whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO and the impact of the proposed development on the amenity of adjoining premises.

Reasons

The GDPO

4. The dispute between the main parties with regards whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO appears to relate the natural ground level at the appeal site.
5. I saw at the site visit that the site slopes away from the road, creating a significant difference in height from the existing ground floor level of the appeal property and the ground level to the rear of the property. I note that the submitted plans have been amended and annotated to show the ground level

and to indicate compliance with the dimensions allowed by Article 3, Schedule 2, Part 1, Class A of the GPDO. Furthermore, I note these dimensions are reiterated on the appeal form.

6. I have taken note of the stated dimensions. However, following the site visit I am not satisfied that the indicated ground level shown on the plans accurately reflects the situation on site. Therefore, on the basis of the evidence before me, I am not satisfied that the appeal scheme would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO and therefore approval should be withheld.

Amenity of adjoining premises

7. Notwithstanding the issue with regards the ground level referred to previously, the submitted plans and application form indicate that the appeal scheme would project 6m from the rear wall of the dwelling and being at maximum of 4m high from the natural ground level. Furthermore, the submitted plans show that the rear elevation of the semi-detached properties face approximately to the north-east, with the appeal property located to the east of the adjoining property, No.48.
8. At the site visit I observed that the ground floor levels of the appeal dwelling and the adjoining property, 48 Guest Street, are at a very similar level but that the rear garden of the appeal dwelling slopes down away from the dwelling to a greater degree than at No.48. Consequently, a substantial portion of the neighbouring garden is at a higher level to that of the appeal site. This mitigates some of the effect of the appeal scheme.
9. Furthermore, I note that No.48 has not been extended and as such the proposed extension would project 6m beyond the rear elevation of that property at a height above ground level that, for the reasons referred to previously, is difficult to determine based on the submitted plans.
10. On the basis of the evidence before me this is a finely balanced decision, but I find that it has not been demonstrated that the appeal scheme would not have a significant detrimental impact on the amenity of the adjoining property No.48 and therefore approval should be withheld.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

Mark Brooker

INSPECTOR