



Appeal Decision

Site visit made on 17 September 2020

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Appeal Ref: APP/R4408/W/20/3255116

Land at Station Road, Lundwood, Barnsley S71 5LD

- 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 Steven Wilson against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2019/1453, dated 8 November 2019, was refused by notice dated 29 January 2020.
 - The development proposed is described as a new house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - i) the character and appearance of the surrounding area;
 - ii) the living conditions for neighbours, with particular regard to outlook and light; and
 - iii) living conditions for future occupiers, with particular regard to garden space.

Reasons

Character and appearance

3. The appeal site is one of a number of individual plots of land located to the rear of the terraced properties on Station Road, with access to the site being provided from Station Road via a service lane running along the rear of the terraces.
4. The application documents describe the use of the appeal site as storage, whilst the Council refer to it as garden land of No 29. Either way, built development to the rear of the terraces is limited to a range of single storey outbuildings with associated hardstanding parking areas.
5. In this context, the two-storey detached house would be markedly inconsistent in scale and character to the existing development at the rear of the terraced properties. In addition, when compared to the well laid out and more spacious detached and semi-detached housing to the west in Alperton Close, the proximity of the proposed house to its side and back boundaries, together with its scale, would result in the house appearing cramped within its plot. For these

reasons, the house would appear as a misplaced development, and whilst not tandem or 'backland', would be fairly labelled as piecemeal. In this regard, the development would not relate well to its immediate surroundings, and thus, would harm the character and appearance of the area.

6. In reaching my conclusion, I am satisfied that the design of the house itself would be sufficiently in keeping with the existing housing to the west. I have also had regard to the varied appearance of the plots at the rear of the terrace. However, these factors do not outweigh the harm I have identified.
7. I conclude, on this issue, that the development would cause unacceptable harm to the character and appearance of the surrounding area. This is contrary to Policy D1 of the Barnsley Local Plan 2019 (BLP), and the accompanying Housing Development Supplementary Planning Document 2019 (SPD), which together, require development to be of a high quality and to respect local context and character.

Living conditions of neighbours

8. The Council's concerns appear to relate primarily to the effect on the outlook of No 29 and overshadowing of the adjacent plot/garden to the east. However, I note that the occupiers of 4 and 6 Alpertons Close have also raised concerns over the effect on their rear outlook and gardens.
9. I am informed that the positioning of the house within the site meets the separation distances set out in the SPD. Be that as it may, the west elevation would be in very close proximity to the common boundary with 4 and 6 Alpertons Close, and due to its length and height, would have an overbearing and enclosing effect on the gardens of those neighbouring properties. This would significantly detract from the reasonable enjoyment of those garden spaces to the detriment of the living conditions of the occupiers of those properties. Thus, whilst not specifically referred to by the Council, I consider that the concerns expressed by those neighbours are well founded.
10. Furthermore, whilst the main bulk of the house would be within the western part of the site, its two storey east gable would be in very close proximity to the eastern boundary. Taken together with its height, this would have an overbearing effect on users of the adjacent land to the east. In addition, due to its aspect and height, it would also be likely to deprive the northern end of this adjacent land of sunlight during part of the day.
11. The rear outlook from No 29 would be reduced by the presence of the two storey development. However, the house would lie across a lane and the bulk of the house would not be directly behind No 29. Owing to its positioning and the intervening distance, the house would not have an oppressive effect on the outlook of No 29. The Council's refusal reason also references concern over noise and disturbance, but this has not been substantiated further. Given the small scale of development and the nature in which the plots at the rear of the terraces appear to be used, I do not share this particular concern. Irrespective, the absence of harm in these respects does not outweigh the harm that I have identified above.
12. Drawing all these matters together, I conclude that the development would cause unacceptable harm to the living conditions of neighbours, in particular the occupiers of 4 and 6 Alpertons Close, and to a lesser extent the users of the

adjacent land to the east. This is contrary to BLP Policy GD1 and the SPD, which together seek to protect the living conditions of neighbours by, among other things, requiring the layout and design of new housing to avoid overbearing or overshadowing of an existing dwelling or its garden.

Living conditions of future occupiers

13. According to the appellant, the front and rear garden space for the proposed house would amount to some 80m². However, I am informed by the Council that the rear garden itself would measure approximately 48m², which has not been disputed by the appellant. This would fall significantly short of the SPD standards, which require a three-bedroom property to have a rear garden of 60m². Compounding this, the rear garden would be tightly constrained by the height of the house and boundary fencing. It would also be north facing and therefore heavily shaded. These attributes are unlikely to endear it to future occupants, nor would it be conducive for use as a children's play area.
14. I accept that the rear garden space would be supplemented by an additional south facing garden area to the front, but it would be very limited in scale and as indicated by the drawings, is also likely to be constrained by some form of enclosure or high planting to ensure a reasonable level of privacy. Thus, it would not adequately compensate for sub-standard rear garden provision. The parking spaces at the front could not be relied upon as additional garden space.
15. Good quality private outdoor amenity space is important to quality of life and well-being. For the reasons above, I find that the overall amount and quality of outdoor amenity space provided by the development would be poor.
16. On this basis, I conclude that the development would not provide its occupants with acceptable living conditions, with particular regard to an appropriate level and quality of garden space. This is contrary to BLP Policy GD1 and the SPD, which together seek to ensure that development does not have a significant adverse effect on the living conditions of future residents, including through provision of adequate garden space.

Other Matters

17. The development would add to the supply and choice of housing in the area and thus represents a benefit in favour of the scheme. Nonetheless, this would be at a very small scale so does not outweigh the significant harm identified and the proposal's failure to comply with the policies of the adopted development plan when read as a whole.
18. The absence of harm in other respects, including parking, privacy, internal space standards and not prejudicing the potential comprehensive development of adjacent land, are all neutral factors that do not weigh for or against the development.
19. I take note of the appellant's comments in respect of potential security benefits to the rear boundaries of the neighbouring properties in Alperton Close. However, there is no substantive evidence to indicate that there is a significant security problem currently. Accordingly, I am not persuaded that security amounts to a consideration of any significant weight in favour of the proposal.

Conclusion

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

A Caines

INSPECTOR