



Appeal Decision

Site visit made on 5 October 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2020

Appeal Ref: APP/R4408/D/20/3257231

26 Harry Road, Gawber, Barnsley S75 2PA

- 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 Robinson against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2020/0487, dated 19 May 2020, was refused by notice dated 10 July 2020.
 - The development proposed is a two storey rear 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.

Main Issue

3. The effect of the proposed development on the living conditions of the occupiers of No. 28 Harry Road (No. 28), with particular regard to outlook and light.

Reasons for the Recommendation

4. The appeal relates to a semi-detached dwelling located within a residential area. The Barnsley Local Plan: House Extensions and Other Domestic Alterations Supplementary Planning Document (2019) (SPD) sets out that two-storey rear extensions should generally have a rear projection of less than 3.5 metres. In addition, such extensions will be considered on the basis of the extent of overshadowing, loss of privacy and outlook, and extensions which abut a party boundary and adversely affect main windows will not normally be allowed.
5. The South Yorkshire Residential Design Guide (RDG) is also relevant. It states that for the purposes of daylighting and avoiding an overbearing relationship, back to side distances and the extent of rear extensions should be limited by the 45-degree rule. I note that the recently approved planning application was designed to comply with the 45-degree rule and included a chamfered edge¹.

¹ 2020/0214

6. The scheme would be marginally set in from the common boundary shared with No. 28. The existing boundary fence is un-intrusive due to its height and gaps between each picket. No. 28 has a ground floor and first floor window close to the common boundary. The existing conservatory, associated with the appeal property, abuts the common boundary and to a small degree impacts the ground floor window.
7. Although the proposed extension would project less than 3.5m, it would not comply with the 45-degree rule. The scheme would have an overbearing impact upon No. 28 because of the depth, siting and height of the proposed two-storey extension. Accordingly, the outlook from No. 28's ground floor and first floor rear windows, adjacent to the common boundary, would be dominated by the development as a result of the height and depth of the proposed extension in proximity to the windows.
8. I visited the site mid-morning and observed that the rear windows of both the appeal property and No. 28 were shadowed, as the sun was to the front of the dwellings. Nonetheless, the proposed extension would result in the loss of sunlight and daylight reaching No. 28's rear habitable rooms, adjacent to the boundary, particularly in the afternoon. This is due to the depth, siting and height of the proposed extension and because the rear elevations of the properties are west facing, and the appeal dwelling is to the south of No. 28.
9. Based on the evidence submitted, the proposed scheme would have a more harmful impact upon the occupiers of No. 28 than the approved scheme as the depth of the two-storey extension, adjacent to the common boundary, would be greater. Similarly, the development would have a greater impact than the existing conservatory due to its height and solid nature.
10. The proposed extension would be more in keeping with the host property than the approved scheme. However, it would not have a significant impact upon the character and appearance of the host building nor surrounding area because it would be sited to the rear. Consequently, this matter does not outweigh the harm identified.
11. For the reasons given above, the proposed development would result in the living conditions of the occupiers of No. 28 being adversely affected, with particular regard to outlook and light. The scheme would conflict with Policies GD1 and D1 of the Barnsley Local Plan (2019), the SPD and the RDG which collectively seek, amongst other matters, to ensure new development does not adversely affect the amenity of neighbouring properties.

Conclusion and Recommendation

12. For the reasons given above I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR