



Appeal Decision

Site visit made on 23 February 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2021

Appeal Ref: APP/R4408/W/20/3262665

1A Hopwood Street, Barnsley S70 2BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr S Marsden against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2020/0239, dated 25 February 2020, was refused by notice dated 7 May 2020.
 - The application sought planning permission for demolition of existing stables and hayloft and erection of detached dwelling without complying with a condition attached to planning permission Ref 2018/0269, dated 7 June 2018.
 - The condition in dispute is No 2 which states that: The development hereby approved shall be carried out strictly in accordance with the amended plans and specifications as approved unless required by any other conditions in this permission.
plan reference: SEH-118-12 Rev B, SEH-418-2, SEH-318-1 Rev A, Construction Method Statement produced by Andy Cudworth Architecture dated 25th February 2018.
 - The reason given for the condition is: 'in the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Planning permission was granted for the erection of a single dwelling¹ at the appeal site. The dwelling has been constructed without implementing the low-level wall and landscaping approved to the site frontage. The appeal proposal seeks to vary condition 2 of the planning permission to allow the open frontage and block paving constructed in place of the approved detail to be retained with the addition of landscaping along the side boundaries.
3. The reason for the condition is stated as being in the interests of the visual amenities of the locality and to accord with Policy 29 of the Core Strategy. Since the application was approved the Barnsley Local Plan has been adopted in January 2019 (Local Plan) and Policy 29 of the Core Strategy has been superseded. The Council's reason for refusal references Policy HE1 of the Local Plan. The appellant's appeal statement references Policy HE1 and I am satisfied that during the application and the appeal process the appellant has had the

¹ Ref:2018/0269

opportunity to comment on the change to the development plan. I have considered the appeal accordingly.

4. I have had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that, in the exercise of any function under the Planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Main Issue

5. The main issue is whether condition 2 is necessary and reasonable to preserve or enhance the character or appearance of the Victoria Road Conservation Area (CA).

Reasons

6. The CA is an attractive residential suburb characterised by late 19th and early 20th century housing. Despite variety in the detailed design of dwellings and a limited amount of infill development a sense of cohesiveness is achieved in the CA, in part, by the richness of the traditional architecture as well as the broadly consistent material palette and the low walls abutting the street.
7. Hopwood Street consists of mainly terraced and semi-detached stone fronted properties with occasional detached buildings which follow a similar building line. The appeal site is located close to the junction of Hopwood Street with Huddersfield Road. It comprises a new detached house constructed in a former enclosed garden area. The house is sited further back from the street frontage than most adjacent properties with parking provided to the front of the plot.
8. A number of front walls have been removed along Hopwood Street and this has adversely affected the character and appearance of the conservation area. Even so, adjacent to the appeal site the front boundary walls have largely been retained. This may be due to the particularly narrow depth of front gardens. It may also be because parking spaces are more available along this stretch of the road. Either way, in the context of the existing street scene the open frontage at the appeal site appears incongruous.
9. I appreciate that the approved front wall would only partly enclose the boundary. However, a degree of enclosure would reduce the gap in the street frontage, reference the established character of the street and better assimilate the dwelling into the street scene.
10. Therefore, the proposed variation of condition 2 would not preserve or enhance the character or appearance of the CA. In the terminology of the National Planning Policy Framework the variation to condition 2 in the way proposed would result in less than substantial harm to the CA as a designated heritage asset.
11. The Framework advises that less than substantial harm to the significance of designated heritage assets should be weighed against the public benefits of the proposal. No public benefits have been put forward that would outweigh the less than substantial harm identified.
12. I note the appellant's concern about manoeuvring vehicles with the approved boundary treatment in place. However, there is no indication that this was a

concern at the time of the original application and following my site visit I am satisfied that there would be adequate manoeuvring space for vehicles.

13. I accept that Hopwood Street is restricted to permit holder parking. I have no evidence that the appellant is unable to be a permit holder. In any case I consider two parking spaces adequately provide for the parking requirements of a single dwelling.
14. Overall, I conclude that condition 2 is necessary and reasonable to preserve the character or appearance of the conservation area. The variation of condition 2 as proposed would conflict with Policy HE1 of the Local Plan where it seeks to ensure that development affecting a designated heritage asset conserves those elements which contribute to its significance.

Conclusion

15. For the reasons given above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR