
Appeal Decision

Site visit made on 16 March 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2021

Appeal Ref: APP/R4408/D/20/3264127

39 Foundry Gate, Wombwell, Barnsley S73 0LF

- 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 Greg Kendall against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2020/0892, dated 13 August 2020, was refused by notice dated 8 October 2020.
 - The development proposed is the erection of front garage and reception room extension, conversion of existing garage to living accommodation and associated external changes.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description in the banner heading above is taken from the Decision Notice which more concisely describes the proposal than the description given in the Application Form. I note that the appellant has also adopted this form of words for the description in their appeal form.

Main Issues

3. The main issues are (1) the effect of the proposal on the character and appearance of the host dwelling and the street scene and (2) on the living conditions of the occupiers of No's 10 and 12 Almond Croft with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site comprises a two-storey detached dwelling with off-street parking located at the turning head of a cul-de-sac. Foundry Gate is located within a relatively modern residential estate and features a mix of detached, semi-detached and terraced properties. Cars are parked on driveways and on-street while the houses are closely spaced with only a short set back from the road to accommodate a driveway. These features result in the area having a relatively high density and close-knit built form. The proposal seeks to erect a double garage with a reception room linking the new structure to the front of host property.

5. The House Extensions and Other Domestic Alterations Supplementary Planning Document 2019 (the SPD) advises front extensions will not be considered acceptable where they detract from the quality of the existing dwelling or character of the street scene. It goes on to state that large extensions are likely to appear particularly intrusive and will not normally be acceptable.
6. Due to its total depth, which I understand is greater than that of the host property, and height of the garage section in particular, the proposal would add substantial mass and bulk to the front of the dwelling in a prominent location forward of the established building line of properties on this side of the street. As a consequence, the extension would lack subordination and thereby cause harm to the character and appearance of the host building. The extension would also, because of its size and design, result in the house having a built form that would be markedly different from, and inconsistent with, the simple, rectangular, plan form of the other houses in the street and surrounding area. Moreover, the design and scale of the proposal would appear cramped in its location, adding to the high-density of development in the street scene. This would be harmful to the character and appearance of the surrounding area.
7. I am informed of a previous approval on the appeal site for an L-shaped property. However, this would have predated the current development plan and was evidently amended in 2010 to the design of No.39 as it exists. While reference is made to an arrangement on Bellscroft which is similar to the proposal before me, I have no information on this so was unable to assess any similarities on the site visit. Regardless, I have assessed the proposal on its own merits.
8. To conclude on this first main issue, the proposed development cause harm to the character and appearance of the host property and the street scene. The proposal would therefore be contrary to Policy D1 of the Barnsley Local Plan (LP), which generally seeks to ensure high quality design which respects local character. The proposal would also be contrary to the SPD and the requirements of the National Planning Policy Framework (the Framework), which seeks development which will function well and add to the overall quality of the area.

Living conditions

9. The rear wall of the extension would be positioned close to the rear boundaries with No's 10 and 12 Almond Croft. I note that in this regard the SPD advises a minimum recommended separation distance between blank gable walls and habitable rooms of 12m.
10. Despite this distance being disputed between the parties, to my mind at approximately 3.13m height to the eaves and approximately 4.9m height overall, the garage section of the extension would be of significant height and introduce an overbearing and visually dominant feature in views from the rear windows and outdoor amenity spaces of No's 10 and 12. Although the proposed extension would be partly screened by the boundary fence between these properties and the appeal site, it would nonetheless, be perceived as a large structure adjacent to, and extending across, the whole width of the rear gardens of both neighbouring properties. This would reduce outlook from these rooms at the rear and create a feeling of enclosure within the rear gardens which would diminish the enjoyment of these spaces. The dominating presence

of the proposal would therefore detract from the quality of the living environment for occupiers of No's 10 and 12.

11. To conclude on the second main issue, the proposal would cause harm to the living conditions of occupiers of No's 10 and 12 Almond Croft with particular regard to outlook. The proposal is therefore contrary to Policy GD1 of the LP, which seeks to ensure there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. The proposal would also be contrary to advice contained within the SPD.

Other Matters

12. I understand the development would allow a disabled occupant of the property covered access to the dwelling. While I acknowledge there would be a personal benefit to the appellant in being able to park undercover close to their property, I have no information on this matter before me. As a result, this carries limited weight in favour of the scheme.
13. To that end, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Nevertheless, for the reasons set out above, it does not follow from the PSED that the appeal should succeed and the benefits as set out do not outweigh the harm I have identified.
14. I note that appellant has suggested that amendments could be made to the proposal and secured via condition to ensure acceptability. However, amended plans are not before me. Consequently, I cannot be certain that any proposed amendments would overcome the harm that I have identified or would not result in a scheme that would be substantially different from that for which permission was sought. In any event, the '*Procedural Guide – Planning Appeals – England*' advises that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal, they should normally make a fresh planning application (Annexe M.1.1). If an appeal is made, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought (Annexe M.2.1).
15. While it is suggested that there were no public objections to the proposal, there are several before me relating to issues I have addressed above. Nevertheless, the lack of objection would be neutral in the planning balance rather than carrying weight in favour of the proposal.

Conclusion

16. The proposal would harm the character and appearance of the area as to the living conditions of the occupiers of neighbouring properties. As such it would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR