



Appeal Decision

Site visit made on 15 March 2021

by Alison Partington BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2021

Appeal Ref: APP/R4408/W/20/3264844

Hartgan House Pinfold Lane, Royston, Barnsley, S71 4PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr G Shaw against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2020/0558, dated 22 June 2020, was refused by notice dated 18 September 2020.
 - The development proposed is 2No dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with access only to be determined at this stage. I have dealt with the appeal on this basis treating the layout shown on the plans as illustrative other than for the access.

Main Issues

3. The main issues in the appeal are the effect of the proposed development on:
 - Pedestrian safety; and
 - The living conditions of nearby occupiers with particular regard to noise and disturbance.

Reasons

Pedestrian Safety

4. The appeal site forms part of the garden area associated with Hartgan House and currently contains a number of small outbuildings. Pinfold Lane that currently serves Hartgan House and 1 other dwelling would form the main access to the site. This is an unadopted highway that is primarily a pedestrian and cycle route that forms part of a "safe route to schools" to Carlton Community College. This route is hard surfaced and lit. From what I saw during my site visit it was well used by pedestrians. There is also an unmade access to Pinfold Lane between two houses on West Pinfold.
5. Whilst the 2 proposed dwellings may not, in themselves, create a significant number of vehicular movements, it would still represent a doubling in the amount of vehicular traffic using Pinfold Lane. For much of its length the lane is not wide enough to enable vehicles and pedestrians / cyclists to pass safely. Moreover, due to the bends along the lane, forward visibility is often limited.

6. The proposal would increase the width of the lane along the frontage of the site to enable two vehicles to pass and vehicles and pedestrians / cyclists to pass safely. Whilst this is beneficial, for most of the length of Pinfold Lane, this would not be the case, and the proposal would significantly increase the potential for conflict to occur between vehicular traffic and pedestrians.
7. I agree with the Council that as a "safe route to school" the route is likely to be used by children and young adults who have less road skills and who may easily be engrossed with their mobile phones. The character of the lane is such that they may forget that it is actually a vehicular route as well. Given this, and the designation of the lane as a "safe route to school" any increase in the use of the Pinfold Lane by vehicular traffic should be avoided.
8. The proposal would also provide an area within the site for refuse and other service / delivery vehicles to turn. The appellant has indicated that this would prevent refuse wagons having to reverse along the lane or perform complicated manoeuvres to turn in the mouth of the junction with the track from West Pinfold.
9. However, both the Council and a local resident indicate that the refuse wagon does not use Pinfold Lane to access the existing houses but the track from West Pinfold. Moreover, I observed that the junction with the track from West Pinfold is wide enough to enable many smaller delivery vehicles to turn relatively easily. Thus, whilst a turning head within the site would be a benefit, these factors mean I give it limited weight.
10. Bringing these points together, the proposal would result in a significant increase in the volume of traffic using Pinfold Lane. Given the nature of the lane, its designation as a "safe route to school" and thus its primacy as a pedestrian route this would be detrimental to pedestrian safety. Whilst the proposal would result in some benefits in terms of safety, one of these would be localised in its impact and the other I only give limited weight to. As a result, I consider that the benefits would not outweigh the harm that would be caused.
11. Consequently, I consider the proposal would be detrimental to pedestrian safety. Accordingly, it would conflict with Policies T4, GD1 and D1 of *Barnsley Local Plan (adopted January 2019)* (BLP) which seek to ensure that new developments promote safe, secure environments and access routes with priority for pedestrians and cyclists, and do not create or add to safety problems.
12. It has been highlighted that planning permission was granted for residential development on the site in both 2008 and 2015 despite the nature of the access along Pinfold Lane. However, the Council have highlighted that the designation of Pinfold Lane as a "safe route to school" was made subsequent to the 2015 permission. This represents a material change in circumstances that has a significant impact on the acceptability of further vehicular movements along Pinfold Lane.
13. My attention has been drawn to the fact that planning permission has recently been granted for 5 houses on a former garage site near the junction of Pinfold Lane and Kirk Cross Crescent. Whilst, when used as garages this site utilised Pinfold Lane, the proposal would now utilise a new access to be created to Kirk Cross Crescent. In addition, the Council have stated that as part of the

permission barriers would be erected to prevent vehicles utilising Pinfold Lane, and the boundary to No 52 Kirk Cross Crescent, which is currently in the wrong place, would be rebuilt. As such, this development would not result in any increase in vehicular movements on Pinfold Lane.

Living Conditions

14. The rear gardens of a number of properties on Kirk Cross Crescent and West Pinfold abut Pinfold Lane. The length of these gardens varies but a few on West Pinfold are relatively shallow and so the rear elevation of the houses are quite close to the lane. In addition, to either side of the access track from West Pinfold are houses and their rear gardens, with the gable ends of the houses being set a few metres from the track.
15. The users of Pinfold Lane, both vehicles and pedestrians, will at times create noise and disturbance for the occupiers of the houses that are closest to the lane. However, such noise and disturbance will be infrequent and short lived. As highlighted above the appeal scheme would result in twice as many houses being located on Pinfold Lane and so the amount of vehicular traffic along it would be expected to double.
16. Nevertheless, vehicles will simply be passing along the lane and so the noise associated with them would be momentary. The proposed houses themselves would not be in the vicinity of these existing houses and so the noise associated with the turning, manoeuvring, and parking of vehicles and the banging of car doors, would not cause noise and disturbance for these occupiers. Nor would there be cars waiting on the lane with their engines idling.
17. Consequently, although the proposal would result in an increase in vehicular traffic, I am satisfied that this would not result in a significant increase in the noise and disturbance experienced by nearby residents. The proposed development would therefore not unacceptably harm the living conditions of nearby residents with particular regard to noise and disturbance. As a result, in this respect it would not be contrary to Policy GD1 of the BLP that seeks to ensure that development would not have any significant adverse impact on the living conditions of existing and future residents.

Other Matters

18. It is not disputed that the site is close to local amenities and public transport. The proposal would also make efficient use of a site that is currently underused and would make a very small contribution to housing supply in the area. These are all benefits of the proposal.
19. It is disputed between the parties whether the proposal would represent backland development or not. However, whether or not this is the case would not alter or outweigh my overall conclusion below, and so I have not considered it further.

Conclusion

20. The proposal would have an adverse impact on pedestrian safety. Although I have found the proposal would not harm the living conditions of nearby residents, an absence of harm in this regard is a neutral matter. Consequently, overall the proposal would be contrary to the development plan as a whole.

21. Whilst I have taken account of the benefits of the proposed development, taken together I do not consider these represent a material consideration sufficient to outweigh the conflict with the development plan.

22. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR