



Appeal Decision

Site Visit made on 20 July 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th September 2021

Appeal Ref: APP/R4408/W/21/3273560Error! Hyperlink reference not valid.
15 Garden Cottages, Cudworth, Barnsley S72 8AY

- 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 Darren Kelk against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2020/0698, dated 4 June 2020, was refused by notice dated 21 October 2020.
 - The development proposed is a detached bungalow with integral garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with approval of access and layout sought. Detailed matters relating to appearance, landscaping and scale are reserved for future consideration. I have determined the appeal on this basis.
3. Following the submission of the appeal a revised National Planning Policy Framework (the Framework) was published. I have sought the views of the main parties as to the relevance of any changes. I have taken account of the revised Framework in my decision.

Main Issues

4. There are three main issues. These are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of neighbouring occupiers with regard to noise and disturbance; and
 - highway safety with particular regard to access and parking provision.

Reasons

Character and Appearance

5. Garden Cottages is a row of semi-detached dwellings, the majority of which front onto Pontefract Road. The dwellings generally have large front gardens. They are separated from their rear gardens by a narrow lane. No 15 Garden Cottages is the first dwelling in the row and the appeal site is the rear garden of this dwelling.

6. The rear gardens of the dwellings are generally rectangular in shape and are also large. Although there is some boundary treatment such as fencing and hedges between the gardens, and a number of ancillary outbuildings such as garages and sheds, there is an open aspect between the gardens that gives a distinctly spacious and more rural quality to this area.
7. The introduction of a new dwelling into this garden location would be wholly uncharacteristic of the established pattern of development in this area. It would therefore appear incongruous and would reduce the area's open character. Furthermore, it would introduce a multi-tiered pattern of development that would be at odds with the spacious and more rural quality experienced in the vicinity.
8. The proposed development would therefore significantly harm the character and appearance of the area. Consequently, it would be contrary to Policy D1 of the Barnsley Local Plan (the Local Plan), adopted 2019, which expects development to take advantage of and reinforce the distinctive, local character and features of Barnsley amongst other matters. The proposed development would also conflict with the guidance in the Barnsley Local Plan Supplementary Planning Document Design of Housing Development, adopted 2019 (the SPD) which advises that development should respect local context and character. It would also conflict with paragraph 130¹ of the Framework which seeks to ensure that developments are sympathetic to local character amongst other matters.

Living Conditions

9. The proposed dwelling would be located close to the common boundary with the neighbouring property's rear garden. Part of the appeal site currently appears to be used for parking, albeit this is located further from the neighbouring garden than the parking area proposed for the new dwelling. The current use of the appeal site is as residential garden space although no 15 also has a front garden, so it is not the only outdoor space available to occupiers of this property.
10. There would be more comings and goings from the use of the land as a dwelling than as a garden. This, together with the activity associated with day to day living activities would likely result in some increase in noise and disturbance for occupiers of the neighbouring property when using their rear garden. However, the noise and disturbance associated with one additional dwelling would not be so significant as to have an unacceptable impact on the living conditions of the neighbouring occupiers in terms of the use of their rear garden due to noise and disturbance.
11. As such, the proposed development would accord with Policy GD1 of the Local Plan, which is supportive of development if there is no significant adverse effect on the living conditions and residential amenity of existing residents amongst other matters. The proposed development would also accord with the guidance in the SPD which advises that development should retain adequate levels of amenity for existing residents. It would also accord with paragraph 130 of the Framework in this regard, which seeks to ensure that developments create places with a high standard of amenity for existing users.

¹ Paragraph 127 of the 2019 Framework

Highway Safety

12. The appeal site already appears to be used in part, for the parking of one car. The Council's Highways team has identified that the access and parking arrangements would be difficult to use due to the narrow width of the lane and recommends that vehicle tracking should be undertaken to demonstrate that manoeuvrability can be achieved for a large car. I have no information to suggest that this has been done. I cannot therefore be satisfied that an acceptable access could be provided for the proposed development.
13. Furthermore, no substantive evidence has been presented to demonstrate that parking provision for occupiers of the existing property can be provided within the residual space available. The access lane is narrow and there are thus very limited opportunities for on-street parking without causing an obstruction to vehicles using the lane or to existing parking areas and presenting a safety risk to road users and pedestrians. There are also very limited opportunities for on-street parking on that part of Intake Lane to the south of 15 Garden Cottages. An increase in on-street parking would be harmful for the reasons given above.
14. As such, on the basis of the evidence before me, I cannot conclude that the proposed development would not result in an unacceptable impact on highway safety. It would therefore conflict with Policy T4 of the Local Plan which expects development to provide safe, secure and convenient access and movement.

Other Matters

15. The appellant states that the appeal site is a sustainable location being located within the Urban Fabric as defined in the Local Plan, which the Council's Officer Report confirms. Whilst the general principle of a residential use at the appeal site may be acceptable, this is subject to its compliance with other relevant Local Plan policies. For the reasons given, the proposed development would not comply with relevant policies.
16. The Framework supports the Government's objectives of significantly boosting the supply of houses. The information before me indicates that the Council can demonstrate a five years supply of housing land. Amongst other things, policies for the supply of housing are therefore up to date and the presumption in favour of sustainable development in paragraph 11 of the Framework does not apply. The Framework advises that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. Whilst giving some limited weight to the benefits associated with one dwelling, they are not sufficient to outweigh the conflict with the development plan in this instance.

Conclusion

17. The proposed development would significantly harm the character and appearance of the area and would conflict with Policy D1 of the Local Plan, the Framework and the advice in the SPD in this respect. It would also conflict with Policy T4 of the Local Plan as it has not been demonstrated that safe, secure and convenient access and movement would be provided.
18. The above clearly outweighs my findings that the proposed development would not cause unacceptable harm to the living conditions of neighbouring occupiers

in terms of noise and disturbance. Besides, this is a neutral factor and not an actual benefit.

19. The proposed development 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 not succeed

F Wilkinson

INSPECTOR