



## Appeal Decision

Site Visit made on 6 July 2021

**by Paul Martinson BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 October 2021**

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**Appeal Ref: APP/R4408/W/21/3272635**

**25 Robert Avenue, Cundy Cross, Barnsley S71 5RB**

- 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 David Cutts against the decision of Barnsley Metropolitan Borough Council.
  - The application Ref 2020/1465, dated 22 December 2020, was refused by notice dated 10 March 2021.
  - The development proposed is a detached dwelling
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The planning application was submitted in outline form with all matters other than access and layout reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative, insofar as they relate to matters other than access and layout.
3. I have taken into account the revised National Planning Policy Framework ('the Framework'), as published on 20 July 2021. Any reference to the Framework below is consequently a reference to this latest revised version.

### Main Issues

4. The main issues are:
  - the effect of the proposed development on the character and appearance of the area;
  - whether the site can be provided with a suitable access; and
  - the effect of the proposal on the living conditions of the occupants of neighbouring properties with particular reference to the potential for noise and disturbance.

### Reasons

#### *Character and Appearance*

5. Robert Avenue is a suburban cul-de-sac comprising of a mix of detached and semi-detached dwellings. The dwellings are laid out around the turning head of the road which gives an enclosed and ordered feel to this part of Robert Avenue. Whilst the dwellings are a mix of two storey houses and bungalows,

their consistent arrangement around the turning head provides a distinctive and coherent pattern of development to the streetscene.

6. The appeal site is a grassed area to the north of 25 Robert Avenue that is used by the occupants of that property as a garden. Site boundaries are formed by tall trees to the north and west, whilst a post and wire fence separates the site from a vacant parcel of land to the east. This land is overgrown and also includes some trees with a public right of way further to the east.
7. The appeal site is accessed via a long narrow access between No 25 and its neighbour 27 Robert Avenue that serves a pair of attached garages associated with these two properties. The access runs along the boundary with No 27, which is set forward of No 25 due to the angled nature of that property.
8. The appeal proposal would involve the construction of a dwelling set back midway into the site, a considerable distance from the rear of No 25 and No 27. The dwelling would fail to front the turning head and, owing to its siting, would be significantly divorced from the otherwise consistent arrangement of dwellings. As such it would appear as an incongruous and ad hoc form of development that would be at odds with the prevailing pattern of development.
9. The appeal site is screened to the north and west by the boundary trees. At the site visit I was able to stand at the turning head and view the entrance to the appeal site across the driveway. Given the likely height of a dwelling in this position, even if it were single storey, fleeting views, particularly of its upper walls and roof, would be possible from the turning head. This is despite the lower ground level of the appeal site. The situation is likely to be similar when viewed from the public right of way across the overgrown land to the east of the site. In both these views the contrast with the distinctive pattern of development would be clear. It would also be visible from the neighbouring dwellings.
10. The appellant has directed me to the provisions of the Framework with regard to effective and efficient use of land. However, for the reasons set out above I have found that the proposal would not represent an efficient or effective use of the land due to the harm arising to the prevailing character of the area.
11. For the above reasons the proposed development would be harmful to the character and appearance of the area and would conflict with Policies D1, GD1 and H4 of the Barnsley Local Plan (2019) ('the BLP'). These policies seek to ensure that development is of a high quality that is compatible with neighbouring land, and respects and reinforces local character.

#### *Suitable Access*

12. Both parties have referred to the Design of Housing Development Supplementary Planning Document (2019) ('the SPD'). The SPD advises that backland development is most effective where it includes a number of dwellings served by an adopted highway, which is capable of being used by refuse and other servicing vehicles. Long, narrow private drives (typically in excess of 30 metres), which would result in excessive 'man carry distances' should be avoided.
13. The Council has advised that the distance between the boundary of the appeal site and the highway would be 38.8 metres, which has not been disputed by

the appellant. Any access therefore would considerably exceed the figure of 30 metres contained within the SPD.

14. The access is also narrow and, as such, unlikely to be suitable for use by refuse vehicles or any other larger vehicles. The proposed dwelling is likely to generate a demand for vehicular access by such vehicles including refuse, delivery and emergency vehicles. Whilst the appellant has advised that the Building Regulations can address the Council's concerns with regard to fire access, I am nonetheless not convinced that the substantial length and narrow width of the access proposed would not create day-to-day difficulties for the future occupants. Access for delivery vehicles, refuse collection and construction vehicles would be extremely difficult and would in turn likely lead to vehicles waiting in the highway or blocking accesses, creating difficulties for nearby residents. Furthermore, it is likely that the future occupants would be required to carry their refuse a considerable distance along the length of the access to reach the highway which would be an additional inconvenience.
15. I therefore conclude that the proposal would fail to provide a safe and suitable access contrary to Policies GD1 and T4 of the BLP and the SPD which seek to ensure new development is suitably served by the existing highway and is designed with safe, secure and convenient access and movement, as well as providing an accessible and inclusive environment for users.

#### *Living Conditions*

16. The Council has advised that the proposed dwelling would be sited 18 metres away from the edge of the rear elevation of No 25 which would be below the minimum distance (21 metres) between habitable room windows specified in Section 4 of the SPD. However, that document also notes that advice will be given on a case-by-case basis and I am mindful that these are matters that could be addressed in detail at the reserved matters stage.
17. The proposed dwelling would result in an increase in vehicular movements along the existing access between the side elevations of No 25 and No 27. This would in turn result in an increase in noise and vibration associated with such movements. However, as this is an existing access used by the occupants of two different properties, the noise and vibration arising from neighbour's vehicle movements will already be experienced by the occupants of both No 25 and No 27 to a degree. Given this existing situation, I am of the view that the provision of one additional dwelling with its associated vehicle movements would not result in a significant increase in noise and vibration to a point where it would be significantly harmful to the living conditions of the occupants of No 25 and No 27.
18. The proposal would therefore not be harmful to the living conditions of neighbouring properties with regard to noise and disturbance. It would therefore accord with Policy GD1 of the BLP, in this respect, which seeks to ensure that new development does not adversely affect the living conditions of existing occupiers.

#### **Other Matters**

19. The development of windfall sites is generally supported through both the Framework and the BLP. However, whilst all dwellings contribute to housing supply, in this case the delivery of one additional dwelling would only make a

limited contribution to the existing stock. Furthermore, the Council states it can demonstrate a 5-year supply of deliverable housing sites which I have no reason to doubt. As such the benefits of the scheme in this regard are limited.

20. In terms of other benefits provided by the appellant, the surveillance of the access road by occupants of the proposed dwelling would perhaps improve the security of the garages at No 25 and No 27. Economic benefits would also arise from the construction and occupation of the new house. Nonetheless for the reasons outlined above, these comparatively minor benefits would not outweigh the harm that would arise. Neither the support for new housing or development with positive outcomes in the development plan or the Framework is unconditional.

### **Balance and Conclusion**

21. I have found that the proposal would not significantly harm the living conditions of the occupants of neighbouring properties. However, this is a neutral effect and does not outweigh the harm the proposal would have with regard to the character and appearance of the area and the unsuitability of the access.
22. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

*Paul Martinson*

INSPECTOR