



Appeal Decision

Site Visit made on 17 August 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/R4408/W/21/3274816

29 Station Road, Lundwood, Barnsley S71 5LD

- 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 Steven Wilson against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2020/1230, dated 10 October 2020, was refused by notice dated 17 December 2020.
 - The development proposed is described as new 2 bed bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of occupiers of existing properties, and
 - whether the proposal would provide satisfactory living conditions for future occupiers.

Reasons

Character and appearance

3. The appeal site is an area of land positioned at the western end of a row of similar plots of land located to the rear of a row of terraced properties on Station Road. The terrace and plots are separated by a service road which runs between them, with access and egress at each end of the terrace. Immediately beyond the western boundary of the site are the rear gardens of residential properties Nos 4 and 6 Alpertons Close and part of the rear garden of No. 27 Station Road. All the residential properties that immediately surround the site are two-storeys high.
4. The appellant refers to the site as "*vacant urban fabric*", whereas the Council describe it as being the rear garden of No. 29. Although there were no buildings on the site at the time of my site visit, the submitted evidence includes photographs showing a detached single storey building on the site, which has the appearance of a domestic garage. Several of the other plots have detached garages on them and/or other outbuildings that are domestic in

appearance, and all are single storey. Some have areas of hard standing, others have planted and/or lawned areas.

5. The proposal would introduce a single-storey, detached dwelling to the rear of the two-storey terraced dwellings on Station Road and to the rear of the two-storey semi-detached dwellings on Alperton Close. Although the proposal in the previously dismissed appeal, Ref APP/R4408/W/20/3255116, was for a two-storey dwelling, I reach the same conclusion that my Inspector colleague reached in the previous appeal, ie that the proposed development would be "piecemeal". Furthermore, in my opinion, the single-storey height of the proposed dwelling would not relate well to, and indeed would be at odds with, the immediate neighbouring dwellings. For these reasons I consider the proposed development would be harmful to the character and appearance of the area. As such, it does not accord with Policy D1 of the Barnsley Local Plan 2019, (BLP), or guidance in the Supplementary Planning Document: Design of Housing Development 2019, (SPDDHD), which require, among other things, new development to be of high-quality design and to respect and reinforce local character.

Living conditions – existing occupiers

6. The Council consider that the proposal would result in overshadowing to No. 31 Station Road. However, the proposed dwelling is only single story; furthermore, it would be sited broadly north-west of No. 31, and as the sun rises in the east and moves around in a southerly direction before setting in the west, I consider that the proposed dwelling would not cast any significant shadow over No. 31.
7. As noted, the Council consider the site to be the rear garden of No. 29, and therefore conclude that the proposed development would remove the private outdoor space associated with No. 29. The appellant does not consider the site to be garden; additionally, the appellant is of the opinion that the Inspector, in paragraph 4 of the Decision Letter (DL) in appeal Ref APP/R4408/W/20/3255116, shared this view. However, in my opinion, in Paragraph 4 of the DL the Inspector notes the respective views of each party but does not state what he considers the use to be. He uses the phrase "either way", ie regardless of whether the use is one thing or the other.
8. I consider that I do not have sufficient information before me to be able to conclude what the lawful use of the site is. Consequently, I cannot conclude that the proposal would remove the private outdoor amenity space of No. 29. I therefore cannot conclude that the proposal would have a detrimental effect on the living conditions of occupiers of the existing property No. 29.

Living conditions – future occupiers

9. Both parties have referred to the internal space standards outlined in the South Yorkshire Residential Design Guide 2011, (SYRDG). I note that the SYRDG is guidance and not development plan policy. Nevertheless, in the SYRDG the overall internal floor area recommended for a 2-bed, 3-person dwelling is given as 62 sqm. The overall internal floor area of the proposed 2-bed, 3-person dwelling, taking the figures provided by the appellant, which I have no reason to disagree with, is 57.2 sqm. Hence, the proposed dwelling is close to being 5 sqm below the recommended overall internal space standard.

10. I acknowledge that, with reference to the figures given for individual rooms in the SYRDG, ie bedrooms, open plan combined kitchen/dining/living, combined wc/bathroom and storage, the only room in the proposed dwelling that falls short of the guidance is the combined kitchen/dining/living/lobby area, which is only 0.7 sqm below the recommended area. However, the SYRDG does not specify a figure for internal circulation space, and in the proposed dwelling this would only be 2.5 sqm; hence, this is the reason the combined internal space of the proposed dwelling falls below the overall internal space standard recommended by the SYRDG.
11. The appellant suggests that the proposed bungalow makes efficient use of internal space. As the layout proposed does only include 2.5 sqm of circulation space, I am inclined to agree with this suggestion. Given the respective sizes of each of the individual rooms within the proposed dwelling and taking account of the guidance for individual rooms in the SYRDG, I conclude that the proposal would provide sufficient internal space for the intended use.
12. The proposed dwelling would have glazed double doors and an adjoining window on the western side of the front elevation, serving the combined kitchen/dining/living area. This would be positioned around 17 m from a first-floor bedroom window on the rear of No. 29. The guidance in the SPDDHD recommends a separation distance of 21 m. Notwithstanding this guidance, I observed that the separation distances between properties surrounding the site are generous, thereby providing high standards of privacy for occupants. With only around a 17 m separation distance between facing habitable rooms on the proposed bungalow and No. 29, I consider the proposed dwelling would not provide a satisfactory level of privacy for future occupiers.
13. Notwithstanding my conclusions regarding internal space standards, as I consider the level of privacy afforded to future occupiers of the proposed dwelling to be unacceptable, I therefore conclude that the proposal would not provide satisfactory living conditions for future occupiers.
14. Bearing in mind the matters related to living conditions discussed, the proposal does not accord with Policy GD1 of the BLP, or guidance in the SPDDHD, which require development to provide satisfactory living conditions for future occupiers.

Other considerations, planning balance and conclusion

15. I appreciate that the Inspector in appeal Ref APP/R4408/W/20/3255116 considered the proposal of a dwelling on the site did not constitute tandem or backland development. Regardless, I have found that the proposal would still harm the character and appearance of the area.
16. I note that the proposal would provide an additional dwelling. However, one dwelling would make only a very minor contribution to the housing needs of the area.
17. I acknowledge that the Framework promotes the efficient use of land, use of previously developed land and advises that small sites can make an important contribution to the housing needs of an area. Additionally, the Framework advises that local planning authorities should support the development of windfall sites, giving great weight to the benefit of using *suitable*¹ sites within

¹ My emphasis

existing settlements for homes. However, the key word here is "*suitable*". I have found that the site is not suitable for other reasons.

18. Notwithstanding my conclusions regarding the living conditions of occupiers of existing residential properties, and the proposed internal space standards, I consider that there are no other considerations that lead me to conclude other than in accordance with the development plan. Therefore, for the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR