



Appeal Decision

Site visit made on 24 January 2023

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th January 2023

Appeal Ref: APP/R4408/D/22/3310277

119 Worsbrough Road, Birdwell, Barnsley S70 5RF

- 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 C Kilner against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2022/0571, dated 27 May 2022, was refused by notice dated 11 October 2022.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal property is semi-detached and is positioned within a prominent corner plot location at the junction of Worsborough Road and Green Spring Avenue. On this side of Worsborough Road the properties are mainly semi-detached and there is a general consistency to the design of such dwellings in terms of hipped roofs and the use of brick walls. Furthermore, the dwellings are positioned within spacious plots and are set well back from the main road with intervening landscaped gardens. In this regard, there is generally a pleasing order to the pattern of development on this side of Worsborough Road and this adds positively and distinctively to the character and appearance of the area.
4. The two storey side extension would extend about 2.9 metres from the side wall of the existing house. It would be sited on land currently used as a driveway and in close proximity to the pavement on Green Spring Avenue. Paragraph 8.23 of the Council's House Extensions and Other Domestic Alterations Supplementary Planning Document 2019 (SPD) states that '*where located on a corner plot the sideways projection should not exceed more than half the width of the gap between the side elevation of the original dwellings and the side boundary (unless the gap exceeded more than two thirds the width of the original dwelling)*'.
5. The appellant asserts that the above design guidance is not applicable as there is no such gap given the position of an existing detached garage which is in the

rear garden and immediately adjacent to Green Spring Avenue. I do not share this view as the detached garage, which is significantly lower in height than what is proposed, is set back into the rear garden and hence does not enclose the gap where the side extension would be positioned.

6. I therefore find that there would be direct conflict with paragraph 8.23 of the SPD. Such conflict would lead to harm to the character and appearance of the area owing to the position of the two storey development and its overall massing. Indeed, it would be experienced as a dominant and intrusive form of development detracting unacceptably from the spacious character that is afforded to the residential plots within the immediate area. This harm would be compounded as other than one small bathroom window, the gable elevation of the extension would be unbroken thereby displaying a bland and imposing form of development close to, albeit tapering from, the highway edge.
7. I acknowledge that in other respects the proposal accords with the SPD. Indeed, the front wall of the extension would be set back from the front wall of the original dwellinghouse by about 500mm and there would be a corresponding lowering of the roofline. In these respects, the extension would suitably respect the balance and symmetry of the pair of semi-detached dwellings and would not lead to a terracing impact in the street-scene.
8. Notwithstanding the above, the rear of the pair of semi-detached dwellings are prominent in view when travelling along Green Spring Avenue towards the junction with Worsborough Road. Paragraph 8.24 of the SPD states that '*on a corner plot where the rear elevation of the dwelling is clearly visible, a setback of 500mm will also be required at the rear to ensure the extension remains subordinate*'. The side extension would be flush with the original rear elevation of the dwelling. In the absence of a rear elevation set back of at least 500mm, I do not find that the development would appear sufficiently subordinate in scale to the host property and, furthermore, harm would be caused to the overall balance and symmetry of the pair of semi-detached dwellings when experienced from this public vantage point.
9. In reaching the above findings, I have taken into account the fact that the appeal site is at a lower level than Green Spring Avenue. I am also cognisant of the fact that a single storey extension exists to the side of 121 Worsborough Road. While this is positioned up to the highway edge, it is nevertheless single storey in height, is subservient in scale and does not have the same dominating impact in the street-scene when compared to the appeal proposal.
10. I have also taken into account the examples of other developments referred to me by the appellant. He considers that the local planning authority has not been entirely consistent in the way that it has applied the SPD in the past. The SPD is a material planning consideration and of course it is a matter for the decision maker in terms of what weight is given to it based on the circumstances of each case.
11. I have determined this appeal on its individual planning merits taking into account the character and appearance of the immediate locality. While it is clear that the proposal does not accord with the SPD, even if I were to put these requirements aside, I would still have reached the same view that the proposal would not constitute good design and that material harm would be caused to the character and appearance of the area for the reasons identified.

I find that the examples of other development allowed do not alter or outweigh my findings in respect of this main issue.

12. For the collective reasons outlined above, I conclude that the proposal would not accord with the design, character and appearance requirements of policy D1 of the Barnsley Local Plan 2019, the SPD and chapter 12 of the National Planning Policy Framework 2021. In reaching this conclusion, I accept that it means that the appellant cannot extend their property in the way that they desire. However, for these reasons outlined a refusal of planning permission is necessary and legitimate in the public interest.

Conclusion

13. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR