



Appeal Decision

Site visit made on 13 December 2022

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/R4408/D/22/3305257

5 Park View Road Staincross, Barnsley S75 6LD

- 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 Richard Foster against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2022/0495, dated 10 May 2022, was refused by notice dated 15 July 2022.
 - The development proposed is a two-storey extension to side.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the original description from the planning application form, although the appeal form uses the same description as the council, there is no evidence the amendment was agreed. I have also used the appellants name as it appears on the original planning application form, rather than the appeal form as there has been confirmation this is the correct name for the appellant.

Main Issues

3. The main issue is the effect of the proposal on the living conditions of No. 4 Park View Avenue (No.4) with particular regard to outlook, daylight and sunlight.

Reasons

4. The appeal property at No.5 Park View Road (No.5) is a two-storey semi-detached dwelling, sited in a predominantly residential area comprising a mix of dwellings laid out in a linear arrangement fronting Park View Road. There is a single width driveway between No.5 and the joint boundary to No.4, which consists of a modest height 'hit and miss' boundary fence. The adjacent dwelling at No.4 is a bungalow and only has a limited gap between it and the joint boundary.
5. The proposed two-storey side extension would fill the width of the driveway of No.5 and would be sited almost up against the joint boundary. The adjacent bungalow at No.4 has a bathroom and a bedroom window within its side elevation facing the side of No.5. The windows of No.4 can be seen well above the top height of the fence and therefore the occupants would clearly be able to view the side elevation of the proposed extension. The two-storey height,

depth and proximity of the proposed extension would enclose a section of the joint boundary with a high blank brick wall where it faces existing windows.

6. Notwithstanding that the bathroom is obscurely glazed, from the bedroom window the neighbouring occupants would be able to see towards the back. Even if the side wall of the proposed extension would not extend across the full width/extent of the bedroom window the presence of the proposed extension would still loom in close proximity to this single aspect bedroom. The occupiers of No.4 would look out in close proximity to a tall blank brick elevation significantly higher than the fence. It would result in an oppressive form of development harmfully affecting their outlook.
7. As demonstrated in the photographs taken by the appellant and as I observed on my site visit the proximity of No.4 and No.5 to each other and their orientation indicates that the proposed development would not significantly affect sunlight or cause extensive overshadowing. However, the overall two-storey height and proximity of the proposal would create a narrower gap between the side windows of No.4 which would be likely to result in a darker environment in the bedroom by obscuring more of the sky and daylight.
8. I therefore conclude that the proposal would harm the living conditions of the occupiers of No.4 Park View Road with regard to outlook and daylight.
9. Consequently, the proposal would be contrary to the Barnsley Local Plan (2019) Policies GD1 and D1. Amongst other requirements, these seek to ensure a high standard of design which is inclusive and compatible with neighbouring land uses and does not have a significant adverse effect on living conditions. The proposal would similarly also fail to fulfil the aims of the guidance within the Council's SPD which have similar aims in this respect.

Other matters

10. Whilst I appreciate that the bedroom side window on No. 4 may be a later addition following a rear extension, this does not remove the harm caused by the reduced outlook and levels of daylight it would receive.
11. The Council found the design, appearance and parking arrangements of the proposal, to be acceptable. I do not disagree on these matters, but they do not outweigh the harm identified above.
12. The appellant suggested that scaffolding could be erected to enable the appreciation of the proposal. However, to my mind open scaffolding would not be comparable, and the appeal drawings are sufficiently adequate to undertake an assessment.

Conclusion

13. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination which outweigh this finding. For the reasons given above I conclude that the appeal should be dismissed.

K Williams

INSPECTOR