



Appeal Decision

Site visit made on 9 March 2023

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2023

Appeal Ref: APP/R4408/W/22/3309795

343, Darton Lane, Mapplewell, Barnsley S73 6AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Garry Walker against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2022/0496, dated 10 May 2022, was refused by notice dated 21 July 2022.
 - The application sought planning permission for the erection of a detached garage without complying with a condition attached to planning permission Ref 2021/1175, dated 12 November 2021.
 - The condition in dispute is No 1 which states '*the development hereby approved shall be carried out strictly in accordance with the plans (Plan titled 'Site Plan, Section and Levels Rev G' and Plan titled 'Plan and Elevations Rev F') and specifications as approved unless required by any other conditions in this permission.'*
 - The reason given for the condition is '*in the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.'*
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal relates to a detached garage which has the benefit of express planning permission. The details thereof are shown above. The crux of the matter is the roof design, which is proposed to be amended from that approved. The condition proposed for variation as part of the appeal therefore concerns the approved plans.

Main Issue

3. The main issue is the effect of the amended plan, the roof design in this case, on the character and appearance of the area.

Reasons

4. The detached garage, as approved, would eventually be a visually prominent structure given its siting relative to the host dwelling, at the foot of the cul de sac and the effective frontage of the plot. The wider area is residential in character but defined by dwellings which visually dominate and have outbuildings and extensions which are obviously subservient. This strong

hierarchical feature contributes positively to the character and appearance of the area.

5. Whilst not significantly so, the proposed roof design through the amended plan would increase the height of the garage as it was approved and accordingly increase its prominence. This would, due to its scale and siting, compete for visual dominance in the plot with the host dwelling and subsequently disrupt the host building to outbuilding relationship of the area to an unacceptable degree. This would harm the character and appearance of the area. The appeal scheme would therefore conflict with Policy D1 of the Barnsley Local Plan which sets out, amongst other things, that new development should be of a high quality design that respects local character.

Other Matters

6. The roof design giving the garage the appearance of a small bungalow is an opinion of the Council which is not shared by the appellant. I am ambivalent but remain of the view that the harm I have found would be caused by the eventual scale of the garage relative to the host dwelling, the additional height of its proposed roof specifically, in the context of the positive aspects of the character and appearance of the area.
7. Limited objections from neighbours does not absolve me from making an assessment of the scheme in the context of the main issue of the appeal. The proposals would also be acceptable in other respects, such as highway safety and the living conditions of neighbouring occupiers. These however would be a lack of harm in each case which cannot be used to weigh against harm.
8. The appellant has provided evidence pertaining to a need for additional storage space in the proposed roof owing to specific medical needs for the floor area of the garage to house adapted exercise and mobility equipment. I attach some weight to this need. However, that weight is tempered by a lack of evidence as to what the space would be required for exactly and thus why it would need to be the size it would be. In addition, I have limited evidence to suggest why the storage need would have to be met by the roof space of the garage and not in the dwelling or via other offsite means.
9. I am aware of the financial cost of changing the roof structure as it is currently on site. I am however unaware of the circumstances leading to why it was not erected in accordance with previously approved plans. Indeed, it appears a garage of the partially erected design has already been refused planning permission and dismissed once at appeal. I therefore attach limited weight to the effect of dismissing this appeal in this regard.

Conclusion

10. I attach significant weight to the harm that the appeal scheme would cause as well as the subsequent conflict with the development plan. There are no other material considerations worthy of sufficient weight that would outweigh this conflict. The appeal should therefore be dismissed, and the approved planning permission remain unaltered.

John Morrison

INSPECTOR