



Appeal Decision

Site visit made on 17 May 2023

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st June 2023

Appeal Ref: APP/F4410/D/23/3318050

19 Barnburgh Hall Gardens, Doncaster DN5 7DS

- 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 A Huntley against the decision of Doncaster Council.
 - The application Ref 22/02210/FUL, dated 5 October 2022, was refused by notice dated 15 December 2022.
 - The development proposed is first floor side extension to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for first floor side extension to dwelling at 19 Barnburgh Hall Gardens, Doncaster DN5 7DS in accordance with the terms of the application, 22/02210/FUL, dated 5 October 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan – Dwg No.BP01-A; As Proposed Plans & Elevations – Dwg. No.P10-C;
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Before the first occupation of the extension hereby permitted, the west elevation window as indicated on the approved plans shall be permanently obscure to a level of obscurity to Pilkington level 3 or above or its technical equivalent by other manufactures and shall be permanently retained in that condition thereafter, unless otherwise approved in writing by the local planning authority.

Application for Costs

2. An application for costs was made by Mr A Huntley against Doncaster Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this case is the effect of the proposed first floor extension on the character and appearance of the host dwelling and the courtyard estate.

Reasons

4. No.19 Barnburgh Hall Gardens (No.19) is a two-storey dwelling, link-detached at first floor, fronting an attractive courtyard of four dwellings that form part of the former Barnburgh Hall and its gardens.
5. No.19 has an L-shaped plan form, with a single-storey outrigger that accommodates a double garage and the front door to the dwelling. It is proposed to construct a first floor extension over this outrigger to provide a home office/guest bedroom. The height of the roof would be increased from around 5.1m to 5.9m, so an increase of only 800mm. This increase in height would mean that the ridge of the outrigger would be above the eaves of the main dwelling, but from the courtyard it would still read as a single storey building subordinate in scale and massing to its host. It is accepted that the course of stonework would increase between the front door and the eaves of the outrigger, but this would not appear expansive or incongruous. The replacement of the red clay pantiles of the existing garage with blue slate would also effectively tie the new roof with the existing roof of the dwelling.
6. I observed on my site visit that the courtyard dwellings, whilst of varying design, have a vernacular appearance, with simple forms, utilising natural materials, notably coursed limestone. This gives an overall cohesiveness to the courtyard and there is a strong composition and hierarchy of buildings, of varying heights. Due to the levels across the courtyard, No.19's outrigger sits at a lower level than the garage of No.17 Barnburgh Hall Gardens (No.17), which has a gable accommodating double doors facing the courtyard. The proposed extension has been designed such that the ridge would only be just above the gable of that garage and I find it would assimilate well with this neighbouring building, and the wider hierarchy of the courtyard, continuing the edge of the courtyard form rather than increasing any sense of enclosure.
7. I therefore conclude on the main issue that the proposed extension would not cause harm to the character and appearance of the host dwelling, or courtyard estate. Consequently, it would accord with Policies 41 and 44 of the Doncaster Local Plan (2021) which requires development, including house extensions, to respond positively to their context, respecting and enhancing the character of the locality. It would further accord with paragraph 130 of the National Planning Policy Framework (the Framework) which requires that development adds to the overall quality of an area, is visually attractive and sympathetic to local character.

Other Matters

8. No.19 is located within the Barnburgh Conservation Area, which contains Listed Buildings and a Scheduled Ancient Monument. The Council has raised no issue in respect of the effect of the proposal on these designated heritage assets. For the reasons given above, I find no harm in respect of the proposed extension and I have, therefore, no reason to disagree in this regard.
9. I have had regard to the concerns raised by the occupiers of No.21 Barnburgh Hall Gardens (No.21) in respect of loss of privacy, outlook and light. I observed on site that No.21 is situated to the north-east of No.19, offset from its rear elevation with the garden between both dwellings defined by a high brick wall. On the northern elevation of No.19, facing this common boundary, four high level rooflights are proposed which would have a minimum cill height of 1.7m.

This height and the distance to the boundary (around 7.5m) would ensure there is no overlooking of No.21. Further, the outlook toward the proposed extension from the windows on the south elevation of No.21 would be at an oblique angle and the minimal increase in roof height of the outrigger, located the other side of No.19's two-storey gable, would not appear imposing, or tower over the rear garden. The garden at No.21 is at a lower level than No.19, and the extension would be directly to the south. The Shadow Study submitted by the appellant shows that the increase in height of the outrigger would not cause any further overshadowing of No.21; its rear garden and flank elevation are already in shade during the winter months because of No.19, as existing, and the boundary wall.

10. Neighbours have also raised concerns that if the proposal were allowed, it would set an undesirable precedent elsewhere within Barnburgh Hall Gardens. As described above, although there is a cohesive character to the courtyard buildings, the garages, in particular, vary in design and scale and they all have different orientations and relationships with other buildings. It is therefore reasonable that any future application would be considered on its individual merits and site circumstances and I am not, therefore, persuaded that an undesirable precedent would be set by allowing this appeal.

Conditions

11. I have imposed the standard time condition and a condition to ensure the development is in accordance with the approved plans and in the interests of certainty. In the interests of the character and appearance of the area and good design, I have also imposed a condition requiring the materials to match the existing.
12. The Council have suggested a condition requiring the proposed window at first floor on the west (gable) elevation that directly faces No.17 Barnburgh Hall Gardens to be obscure glazed in perpetuity. I find this condition necessary in the interests of the privacy of these neighbours, and it has duly been imposed.
13. A further condition has been suggested by the Council which would remove all permitted development rights afforded by Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Paragraph 54 of the Framework advises that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Although referring in the Appeal Questionnaire to further alterations causing detriment to the amenities of occupiers of nearby properties, I have no clear or reasoned justification from the Council as to why removing all permitted development rights within Part 1 would be necessary or reasonable. Consequently, this condition has not been imposed.

Conclusion

14. For the reason given above, I conclude that the appeal should be allowed.

R. Jones

INSPECTOR