



Appeal Decision

Site visit made on 27 June 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2023

Appeal Ref: APP/R4408/W/22/3313151

Land adjacent to 2 Overdale Avenue, Worsbrough S70 4BB

- 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 Senior against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2022/0969, dated 14 September 2022, was refused by notice dated 21 November 2022.
 - The development proposed is a single new house.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area,
 - the effect of the proposed development on the living conditions of future occupants, with particular regard to noise, outlook and light, and,
 - the effect of the proposed access and parking layout on highway safety.

Reasons

Character and appearance

3. The appeal site is a vacant, corner plot, which previously formed part of the side garden serving 2 Overdale Avenue. Plot sizes within the area are modest, although corner plots typically have generous front and side gardens. Properties are largely terrace and semi-detached, with hipped and gable roofs, set back at relatively consistent distances from the highway. Aside from a few bay windows, properties generally have wide, flat frontages. The property layouts, design and open corner plots create a uniform appearance and an open sense of space, which contribute towards the character and appearance of the area.
4. The proposed development would introduce a detached property on a prominent corner plot, into an area which is otherwise characterised by terraced and semi-detached properties. Its prominence would be further exacerbated through its siting within close proximity to the side boundary that adjoins Yews Lane. The design of the proposed property incorporates a staggered frontage, with narrow front and rear elevations, and a front door set back some distance from its main elevation. Although not cramped within its

plot, the design and siting of the proposed property would result in an incongruous form of development, that would erode the openness of the appeal site, to the detriment of the prevailing character of the area.

5. The inclusion of bay windows, a hipped roof and materials to match surrounding properties would not be sufficient to overcome the harm I have identified.
6. For these reasons, I conclude that the proposed development would harm the character and appearance of the area, contrary to Policy D1 of the Barnsley Local Plan 2019 (LP) and guidance within the Supplementary Planning Document: Design of Housing Development 2019 (SPD). Collectively, these seek, amongst other things, to ensure development is of high quality design, complements and enhances the character and setting of distinctive places and makes a positive contribution to achieving qualities of a successful place such as character. It would also conflict with the design aims of the National Planning Policy Framework (the Framework).

Living conditions

7. A convenience store is located to the rear of the appeal site. The rear elevation of the proposed property includes habitable room windows serving a ground floor open plan kitchen, dining and living area and a first floor bedroom. These windows, together with the proposed property's rear garden, would be within close proximity to the plant and equipment mounted on the side elevation of the convenience store.
8. It has been drawn to my attention that the convenience store does not open 24 hours and the plant and equipment is a summer requirement. However, there is little substantive evidence before me relating to the specific opening hours of the store, and whether these can be altered without consent from the Council, and to the noise emission levels of the plant and machinery, operational requirements and timings. In the absence of substantive evidence, in the form of a noise assessment, I cannot be certain that the plant and equipment would not give rise to harmful living conditions for future occupiers of the proposed development, and whether any such impacts could be sufficiently mitigated against.
9. Although elevated, the convenience store frontage is largely single storey and does not extend across the full width of the appeal site. Taking this into consideration, along with the orientation of the convenience store in relation to the appeal site, any loss of sunlight and daylight to the proposed development would be primarily during morning hours only.
10. During these morning hours, not all of the rear garden area would be affected by a loss of sunlight and daylight, having regards to the height and orientation of the convenience store, together with the width and depth of the garden. The proposed ground floor kitchen is an open plan area, served by a second window. Due to its location, the second window would be unaffected by the proximity of the convenience store. Similarly, due to the height and orientation of the first floor bedroom window in relation to the convenience store, it would also be unaffected. There would be no material loss of sunlight or daylight for future occupants of the property, as a result of its proximity to the adjacent convenience store and proposed internal layout.

11. The depth of the proposed garden falls below the depth of 10m the Council ordinarily require in order to ensure good outlook for future occupiers is achieved. Although the convenience store is elevated, both the proposed ground and first floor windows would face towards the pavement frontage of the convenience store, not directly towards its side elevation. The proposed ground floor rear window serves an open plan area, which has a dual aspect. Having regards to the proposed layout of the property and orientation and height of the convenience store, the depth of the garden is such that an acceptable outlook for future occupiers would be provided from the ground floor rear window. The first floor window, due to its height and location, would also provide an acceptable outlook for future occupiers.
12. For these reasons, I conclude that while the proposed development would not harm the living conditions of future occupiers with regard to outlook and light, it would harm the living conditions of future occupiers with regard to noise. This would conflict with Policies GD1 and Poll1 of the LP and guidance within the SPD. Collectively, these seek, amongst other things, to approve development if there will be no significant adverse effect on the living conditions of future residents, ensure developers minimise the effects of any possible pollution and ensure high standards of light and outlook are provided for future residents. It would also conflict with the Framework, which seeks to achieve well designed places, including by ensuring a high standard of amenity for future users.

Highway Safety

13. The appeal site is within close proximity of the junction with Overdale Avenue and Yews Lane. Both these roads are located on a bus route and there are limited parking restrictions in the area. Based on my observations during the site visit, the accesses serving both the appeal site and No 2 appear to have been constructed in accordance with the access arrangements shown on the submitted plans.
14. No substantive parking layouts and turning areas have been provided which demonstrate drivers could manoeuvre vehicles within the appeal site and No 2, in order to leave in a forward gear. There is limited and restricted space within both the appeal site and No 2, for the parking and manoeuvring of vehicles. I am unconvinced therefore that drivers would be able to sufficiently manoeuvre a vehicle within the confines of the appeal site and No 2, in order to be able to leave either site in a forward gear. It is therefore likely that drivers will either reverse into or out of both sites, resulting in vehicles movements within the highway. Alternatively, in order to avoid such manoeuvres, future occupiers may park on the highway. Vehicle movements and parking within close proximity to a junction, would be detrimental to highway safety.
15. Furthermore, should drivers approach the junction from Overdale Avenue when drivers are attempting to manoeuvre into or out of the appeal site, there are no highway restrictions preventing these drivers from overtaking any such vehicles. Any such manoeuvre would result in vehicles encroaching onto the other side of the carriageway, in close proximity to a junction, to the detriment of highway safety.
16. I understand that vehicles approaching the junction from Overdale Avenue would be moving at slower speeds and sightlines to the east are long and clear. However, limited substantive evidence has been submitted with regard to these

matters. In any case, appropriate sightlines and low vehicles speeds would not overcome harm identified with regard to highway safety.

17. My attention has been drawn to the housing development opposite the appeal site. Its associated off-street parking layout is such that drivers are likely to reverse vehicles into or out of the spaces provided. I have not been provided with the history relating to this development and reasons why the associated parking layout was considered acceptable. The presence of this development does not override the harm I have identified, and, in any case, I have considered the appeal on its own merits.
18. For these reasons, I conclude that the proposed access and parking layout would have a harmful effect on highway safety. This is contrary to Policy T4 of the LP which seeks, amongst other things, to ensure new development is designed and built to provide all transport users within and surrounding the development with safe access. It would also conflict with the Framework, which seeks to avoid unacceptable impacts on highway safety.

Other Matters

19. A single dwelling on a small, non-allocated site would contribute towards local housing supply and make an important contribution to address the deficit in built housing. Given the modest amount of development proposed, these benefits do not carry sufficient weight to overcome the harm I have identified.
20. While the proposed development might visually improve the appeal site, as I have found it would harm the character and appearance of the area this carries little weight in its favour.
21. The proposed development would provide modern levels of accommodation, and the internal layout conforms with the South Yorkshire Residential Design Guide. Conformity with these matters is a neutral factor.

Conclusion

22. Notwithstanding my conclusions on living conditions of future occupiers, with regard to outlook and light, the harm I have identified to the character and appearance of the area, living conditions of future occupiers, with regard to noise, and highway safety is determinative. Therefore, the proposed development would conflict with the development plan as a whole. There are no material considerations that indicate I should conclude other than in accordance with it. Consequently, the appeal is dismissed.

S Pearce

INSPECTOR