



Appeal Decision

Site visit made on 30 October 2023

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2023

Appeal Ref: APP/R4408/W/23/3321889

Land adjacent to 15 Beever Lane, Gawber, Barnsley S75 2RP

- 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 Howard Fearnley against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2022/0709, dated 6 July 2022, was refused by notice dated 22 March 2023.
 - The development proposed is the erection of one detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site address within the above banner heading is taken from the Council's Decision Notice as it is a more accurate description than that provided on the planning application form, which does not include the words "Land adjacent to".

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including its effect on trees and hedgerows; and
 - whether the proposed development would provide appropriate living conditions for future occupiers, with regard to sunlight, daylight, outlook and outdoor amenity space.

Reasons

Character and appearance

4. The appeal relates to an undeveloped plot of land situated at the junction of Beever Lane and Redbrook Road. The site currently consists of grassland with trees and hedgerows situated close to the boundary fronting the highway junction, and a number of trees from the small woodland area directly to the east overhang the appeal site. The application was therefore accompanied by an Arboricultural Report in respect of the vegetation located on the appeal site, as well as the trees within the adjacent woodland close to the shared boundary. The appeal site's boundary with the public highway is also defined by timber fencing.
5. The surrounding area is residential, with a row of four terrace properties at Nos 9-15 (odds) Beever Lane situated to the south of the site, and the front

gardens of these properties provide a separation between their front elevations and the appeal site. The properties located on the opposite side of the junction are set significantly back from the highway and these, along with the appeal site, create an attractive open aspect at this junction.

6. The aforementioned small woodland area to the east of the appeal site, along with the existing vegetation on the appeal site and the trees located on the opposite sides of the highway, collectively contribute positively to the character and appearance of the area by providing a green landscape which offers visual relief from the surrounding built form.
7. The proposed development would result in the removal of the existing trees and hedges from this site, in order to facilitate the proposed dwelling. All the vegetation to be removed from the site is Category C. Nevertheless, and as mentioned above, this existing vegetation, when viewed with other vegetation in the immediate vicinity, makes a positive contribution to the area.
8. The loss of the existing trees and hedges, and the erection of a two-storey dwelling in their place, would result in the loss of the intrinsic positive effect the appeal site currently has upon the character and appearance of the area. Due to the constrained nature of the appeal site there would be very limited opportunity to provide replacement planting to mitigate for this loss.
9. The siting of the proposed dwelling in relation to the adjacent woodland would also likely result in tree resentment issues for future occupiers by way of impacts arising from overhanging branches and overshadowing. The submitted Arboricultural Report predicts a life expectancy of 10 to 20 years for the trees closest to the shared boundary, and thus it is likely that the canopies of these trees will grow closer to the proposed dwelling in time.
10. This relationship between the proposed dwelling and these neighbouring trees therefore has the potential to result in future pressures for these trees to be significantly pruned or removed, and this would only further erode the positive contribution the existing vegetation makes to the character and appearance of the area.
11. The loss of the existing trees and hedges, likely pressures to prune and/or fell adjacent trees, and the urbanising effect from the erection of a two-storey dwelling in their place, would therefore harm the character and appearance of the area.
12. Additionally, the proposed detached dwelling would appear as an ad-hoc and isolated form of development on the street scene, particularly as a result of its position so close to the highway junction where it would be prominently viewed from both Beaver Lane and Redbrook Road. The visual harm arising from this would only be exacerbated by the cramped and contrived appearance of the dwelling within this confined plot. Furthermore, this siting of the proposed dwelling would be at odds with the open aspect that is also provided on the opposite side of this junction, where the existing dwellings are set significantly back from the highway / junction.
13. I acknowledge that the dwellings on the appeal site's side of Beaver Lane are set up to the back of the highway. However, the appeal site is visually detached from these properties and is viewed in the context of the highway junction, which

as mentioned above currently has an open aspect, free from built development, on both sides.

14. In view of all the above, the proposed development would appear out of keeping with the surrounding patterns of development at this junction, would result in the loss of existing landscape features that currently make a positive contribution to the street scene, and would potentially result in tree resentment issues for future occupiers that could place pressure on further loss of positive existing landscape features.
15. Consequently, the proposal would harm the character and appearance of the area, including its impact upon existing and retained vegetation. The proposal is therefore contrary to Policies GD1 and D1 of the Barnsley Local Plan (2019) (LP), which together seek to ensure, amongst other things, that development is of a high-quality design, and both respects and includes distinctive local landscape character and features.
16. In addition, the proposal conflicts with the Council's Design of Housing Development Supplementary Planning Document 2019 (Housing SPD) where it seeks that development should have regard to local context and preserve or enhance local physical and environmental characteristics. Furthermore, the proposal is contrary to the Council's Trees and Hedgerows Supplementary Planning Document (2019), which acknowledges that trees and hedgerows enhance the quality of the environment and should be retained and protected where possible. This SPD also seeks to ensure that developments do not lead to long term problems that result in future residents wishing to remove trees close to their dwelling.
17. The proposal would also be contrary to Chapter 12 of the National Planning Policy Framework (the Framework) where it seeks to ensure that development is sympathetic to local character, including the surrounding built environment and maintains a strong sense of place, using spaces to create attractive places.
18. The Council's reason for refusal in relation to character and appearance includes Policy H6 of the Barnsley Local Plan. This policy relates to housing mix and the efficient use of land, and the wording of this policy does not relate to matters of character and appearance, therefore this policy is not determinative in relation to this matter.

Living conditions for future occupiers

19. Whilst the proposed cumulative level of outdoor amenity space would adhere to the minimum standards set out in the Housing SPD, the site is bound to the east by a woodland with mature trees situated very close to, and overhanging, the shared boundary.
20. This neighbouring woodland would result in significant levels of overshadowing, and a lack of sunlight, to the main area of outdoor amenity space situated to the north of the proposed dwelling. Furthermore, the dwelling being situated to the south / southwest of the main area of outdoor amenity space, would only further increase the levels of overshadowing to this outdoor area, providing a poor-quality outdoor amenity space for future occupiers.
21. In addition to the above, the shared kitchen / dining area at ground floor level would be served by a set of patio doors in the northeast facing side elevation, set close to the boundary with the woodland, and a window in the southeast facing

rear elevation directly facing towards the woodland area. At first-floor level Bedroom 2 would be served by a single window in the northeast facing side elevation, again set close to the boundary with the woodland.

22. These windows / openings would provide a poor level of natural light to, and outlook from, these habitable rooms, and would be subject to sufficient levels of overshadowing, as a result of their siting in relation to this neighbouring woodland.
23. I therefore conclude that the proposal would not provide appropriate living conditions for future occupiers with regard to the outlook from the windows serving two habitable rooms in this dwelling, as well as failing to provide the rooms with adequate levels of natural light. Furthermore, the main areas of outdoor amenity space would be significantly overshadowed, thus also failing to provide appropriate living conditions for future occupiers.
24. The proposal would therefore conflict with Policy GD1 of the LP, which seeks to ensure, amongst other things, that developments do not have an adverse effect on the living conditions of future occupiers.
25. The proposal also conflicts with the Council's Housing SPD insofar as it seeks to ensure new housing developments are laid out and designed to ensure that high standards of light and outlook are provided for proposed residents. Furthermore, the proposal is also considered contrary to paragraph 130(f) of the Framework, which seeks to ensure a high standard of amenity is provided for future users.

Other Matters

26. I acknowledge the proposed development would make a positive contribution to the delivery of housing within a sustainable location. However, an increase of one dwelling would not outweigh the conflict I have found in respect of the harm the proposed development would have upon the character and appearance of the area, and the substandard living conditions that would be provided for future occupiers.

Conclusion

27. The appeal scheme would be harmful to the character and appearance of the area and provide unacceptable living conditions for future occupiers of the proposed development. The proposal is therefore contrary to the development plan and there are no other material considerations that outweigh this finding, or the conflict with the development plan when taken as a whole. As such, the proposal is unacceptable, and the appeal should be dismissed.

R Major

INSPECTOR