



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: 4th December 2023

Appeal Ref: APP/R4408/W/23/3321150

59 Huddersfield Road, Darton, Barnsley S75 5NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Mark Spooner against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2022/0949, dated 13 September 2022, was refused by notice dated 8 November 2022.
 - The development proposed is detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with all matters reserved and I have determined the appeal on this basis. The submitted application included an indicative layout plan showing how the dwelling could be accommodated on the site, and I have had due regard to this illustrative plan in the consideration of this proposal.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of neighbouring properties, with regard to residential and vehicle activity; and
 - highway safety.

Reasons

Character and appearance

4. No 59 Huddersfield Road (No 59) comprises a semi-detached dwelling, with an attached garage and side and rear gardens. Huddersfield Road (A637), adjacent to the appeal property, is characterised by a mixture of detached and semi-detached residential dwellings situated within relatively spacious plots. On the opposite side of the highway is an industrial estate, with its vehicular access junction located almost directly opposite the appeal dwelling.
5. To the east of the appeal property is the attached semi-detached property at No 57 Huddersfield Road. To the west is a detached dwelling at No 61 Huddersfield Road (No 61) which appears to be more recently constructed.

Due to the natural topography of the area No 61 is situated at a markedly higher land level than the appeal site.

6. The proposed dwelling would be sited within a relatively narrow gap between Nos 59 and 61 and would share access and frontage parking with No 59. Infilling the narrow gap between properties, would result in a detached property that would inevitably be restricted in width compared to other detached dwellings in the locality.
7. It is accepted that a building with a similar width to the existing semi-detached dwelling at No 59 could be provided in this gap. Even so, the built form of the proposal would appear markedly different to the semi-detached pair which is seen as a single mass of considerable width within the street scene. As such, due to the constrained nature of the site, the likely resulting restricted width of the dwelling would be visually at odds with the width of surrounding built form.
8. In addition, because of the narrow gap between properties the appeal proposal would appear cramped. Further, the proposed dwelling would close the gap between No 59 and No 61 consolidating the built form along the street frontage and would fail to respect the prevailing surrounding relatively spacious pattern of built form. As a result, the proposal would be an incongruous addition to the street scene and would have a detrimental impact upon the character and appearance of the area.
9. In coming to the above view, I acknowledge that the proposed dwelling would be sited adjacent to a single-storey garage and therefore a gap would be provided at first floor between the proposed dwelling and No 59. Nevertheless, the indicative drawing suggests that to accommodate the dwelling the attached garage would be reduced in width and the gap at ground floor level adjacent to No 59 would be limited. For the reasons I have set out, the introduction of an additional dwelling would result in a plot that would be limited in width compared to its neighbours and the contrast between the plots sizes and the loss of the space would be such that the proposed dwelling would appear harmfully out of place.
10. While the gap between Nos 61 and 63 may be similar to the gap between the proposed dwelling and No 61, the front elevation of No 63 is set significantly back from both the highway and the front elevation of No 61. This results in a spacious and open aspect to the front of No 63, and therefore the gap between these properties appears to be visually much greater and No 63 is less prominent in the street. Whilst I note that the proposed dwelling would also likely be set back in relation to No 61, the proposed dwelling would be situated much closer to the highway than No 63 and would therefore be more visually prominent.
11. I acknowledge that there may be similar gaps between dwellings further up the road and on the new built development at Dearne Hall Road, however these areas are not viewed within the same context as the appeal site and do not influence my assessment of the appeal proposal.
12. The appellant has also questioned the Council's assessment of the proposal against policies relating to "High Quality Design and Place Making", as the proposal is in outline form and the appearance of the proposed dwelling has not been indicated. In respect of this comment, the policy relating to High

Quality Design and Place Making in the Barnsley Local Plan (2019) (LP) is Policy D1. This policy expects development to be of a high-quality design and respect, take advantage of and reinforce local character, and thus is relevant to this proposal, even at outline stage.

13. While it is acknowledged that all matters are reserved the application was accompanied by an indicative plan showing the potential siting of the proposed dwelling, and there are a limited number of ways the site could be developed because of the plot proportions. The submission has therefore not satisfactorily demonstrated that the site can accommodate a detached dwelling without resulting in an over intensive quantum of development that would appear cramped and would be out of keeping with its surroundings. Consequently, I do not consider it unreasonable to have had regard to the indicative plan in the assessment of the proposal against the relevant criteria contained in Policy D1.
14. In view of all the above, the appeal scheme would have a harmful impact upon the character and appearance of the area, and is contrary to the objectives of LP Policy D1, which seeks to ensure, amongst other things, that all development shall achieve high-quality design and respect, take advantage of and reinforce local character.
15. The proposal also 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. The proposal would also be contrary to 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.
16. The Council's reason for refusal in relation to character and appearance includes Policy GD1 of the LP. However, the Council has not drawn my attention to any specific parts of this policy to which the proposal is in conflict. Having reviewed this policy, it has limited relevance in relation to matters of character and appearance, therefore in this case this policy is not determinative in relation to this matter.

Living conditions

17. Whilst the proposed dwelling would be situated in close proximity to the neighbouring properties either side, the appeal site is located on a relatively busy highway and thus existing occupiers of neighbouring properties are already subject to some existing background noise from this highway.
18. The neighbouring detached property at No 61 is situated on higher land than the appeal site and the proposed dwelling would be accessed via the existing access point that serves No 59. As such, I do not consider that the occupiers of No 61 would notice any discernible difference arising from the additional vehicle and residential activity associated with the proposed dwelling in comparison to the current situation at the appeal site.
19. With regard to the appellant's property at No 59, whilst I acknowledge that this property would share an access with the proposed dwelling, I am satisfied that there is potential for the plots to be sufficiently separated to ensure

vehicle and residential movements associated with one additional dwelling would not have a detrimental impact on the occupiers' living conditions.

20. In view of the above, the additional vehicle and residential activity associated with the proposed dwelling would not result in a level of disturbance that would cause undue harm to the amenities of occupiers of the adjacent dwellings. I therefore find no conflict with LP Policy GD1, insofar as it seeks to ensure that development proposals do not have a significant effect on the living conditions and residential amenity of existing residents. I have also found no conflict with the Council's Housing SPD where it seeks that new housing should ensure a high standard of privacy for existing residents.

Highway Safety

21. Whilst layout and access are reserved matters, the submitted indicative plan shows that the dwelling would share a widened access on to Huddersfield Road, and a shared parking area to the front, with No 59.
22. Huddersfield Road is a classified road (A637) with a 30mph speed limit to the front of the appeal site. The submitted indicative plan fails to demonstrate that vehicles will be able to enter and leave the appeal site in forward gear, and I have not been provided with any information in respect of turning circles. Given the relatively short distance between both No 59, and the proposed dwelling, with the highway, I consider it likely that vehicles will either reverse into the site from this highway or reverse out from the site onto the highway.
23. I observed on my site visit (weekday, early afternoon) that Huddersfield Road is a relatively busy road, with largely free-flowing traffic, and double yellow lines directly to the front of the appeal site. However, as a result of the existing grass verge there is a reasonable distance between the access point into the appeal site and the back of the footway and road. This grass verge, along with the double yellow lines, which prevent parking, result in clear and unobstructed sight lines in both directions along Huddersfield Road from the access, and would also provide vehicles on Huddersfield Road with a clear view of vehicles entering or leaving the appeal site.
24. The access is currently used by occupiers of No 59, and the driveway does not currently provide space for vehicles to turn. Thus, existing residents at No 59 will currently have to reverse on or off Huddersfield Road. As this is an existing access, and there are also other residential roads and accesses in the vicinity, it is likely that drivers along this section of Huddersfield Road will be aware of the potential for vehicles to be exiting or entering the residential driveways. Furthermore, I have not been provided with any evidence that the existing access has resulted in highway safety issues.
25. I note the Council has referred to the junction opposite, serving the industrial estate, however as this junction is almost directly in line with the access to the appeal site vehicles travelling from the industrial estate towards Huddersfield Road will have a clear line of sight towards any vehicles accessing or leaving the appeal site. Furthermore, vehicles reversing off the appeal site, onto Huddersfield Road, would have a view of approaching vehicles from this junction in their mirrors. As such I do not consider that this junction makes accessing the appeal site dangerous.

26. In view of the above, and given the specific site considerations, the additional vehicle movements associated with a single two x bedroom dwelling would not result in an unacceptable impact upon highway safety.
27. I therefore conclude that the proposal would not have a detrimental impact upon highway safety and find no conflict with LP Policy T4 which seeks to ensure that new development provides safe, secure, and convenient access and movement.

Other Matters

28. I note the appellant's comments in relation to the Planning Officer's site visit, and lack of discussion. However, these are matters to pursue with the Council and are not relevant to the planning merits of the case.

Conclusion

29. While I am satisfied that there would not be harm to neighbouring living conditions or highway safety, I conclude that the proposed development would have a harmful impact upon the character and appearance of the area. Overall, the proposal conflicts with the development plan as a whole and there are no material considerations of sufficient weight that indicate the development should be determined otherwise than in accordance with it. Therefore, the appeal is dismissed.

R Major

INSPECTOR