

Appeal Decision

Site visit made on 10 April 2024

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2024

Appeal Ref. APP/R4408/D/23/3333935

41 Broomhead Road, Wombwell, Barnsley S73 0SA

- 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 Marcin Jeziorek against the decision of Barnsley Metropolitan Borough Council.
 - The application ref. 2023/0887, dated 25 September 2023, was refused by notice dated 17 November 2023.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan includes the Barnsley Local Plan (LP) which was adopted in January 2019.
 3. The National Planning Policy Framework (the Framework) is a material consideration in planning decisions. The revised Framework published in December 2023 does not significantly differ from earlier versions, insofar as the planning policies around the main issues in this appeal are concerned.
 4. In a Notice of Prior Approval Determination (NPAD) under application ref. 2022/0145, the Council confirmed that prior approval was not required for a single storey rear extension projecting out 6 m, with an eaves height of 3 m and an overall height of 4 m. Both parties acknowledge that this scheme represents a fallback. As such, the NPAD is a further material consideration.
 5. White render covers the gable end of no. 41. I have no information about the planning circumstances surrounding the application of this render. This seems to be a recent change from a visual inspection but also because the parties make no comment on it and the existing elevations drawing points to a house finished entirely in bricks, just as, in all probability, it was originally built. I have determined the appeal on the basis of the submitted plans and the information provided on the application form about the existing materials and finishes (brick) and the proposed materials and finishes (render) for the walls.
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Main issues

6. The main issues are the effects of the proposed development on the character and appearance of the host dwelling and its surroundings and on the amenity of the residents at the adjoining property, 43 Broomhead Road, with particular regard to outlook, access to natural daylight and sense of enclosure.

Reasons

7. Paired with no. 43, no. 41 is a semi-detached, brick-built, 2-storey house situated within a small cul-de-sac on the north-eastern side of Broomhead Road. Even though the locality does not possess any outstanding examples of urban architecture, this is nonetheless a pleasant residential area which is characterised by brick-built houses and bungalows. There are slight variations in the colour of the bricks, but they have a predominantly red shade. I saw no rendered properties in the cul-de-sac or along Broomhead Road as a whole. Render has only been used between the upper and ground floor levels of the front advanced bays of some of the 2-storey houses on the south-western side of Broomhead Road. The consistent use of brick is a key element in the character and appearance of the original host property and surrounding properties and lends a sense of coherence to the locality.
8. I have been referred to the Council's Supplementary Planning Document titled House Extensions and Other Domestic Alterations (SPD) adopted in May 2019. Amongst other things, this explains that materials for extensions should normally be of the same size, colour and texture as those used in the existing house or be as close a match as possible. The SPD is not policy in itself but it carries weight as a material consideration in decision making.
9. Whilst the proposed rear extension would not be evident from public vantage points owing to its limited height, it would be clearly visible in private views from the rear elevations and/or back gardens of several nearby residential properties on Broomhead Road, including no. 43, the terrace at nos 45-51 and the detached house at no. 51a. The gable end and the upper part of the rear elevation are noticeable in views from the public open space to the east of the appeal property. The front of the house is open to public views from within the short cul-de-sac.
10. The proposal is to clad the walls of the existing house and the rear extension in render to presumably achieve a matching finish. It is said for the appellant that there is no logical reason why the render should be assumed to be coloured white, when it could be coloured to match the brickwork that exists on the semi-detached pair of dwellings. This is noted except it is contradicted somewhat by the cladding of the gable end in white render which stands out when viewing from the public open space. In any event, whilst applying a brick coloured render might minimize any contrast in colour, I consider the use of render to be unacceptable in principle because it would not sufficiently replicate the varied shading, pattern, texture and pointing of the brickwork and because render is not present as a main walling material within this locality.
11. The rendered walls would appear wholly and prominently at odds with the original host building, the semi-detached pair and the other nearby houses and would diminish the sense of coherence that enhances the visual amenities of the street scene. The proposal would not be sympathetic to local character, including the

surrounding built environment and would dilute the sense of place provided by the consistency of the established palette of brick materials. Similar concerns would arise if the proposal was to render only the rear extension. The extension should ordinarily be clad in brickwork to closely match the rear elevation of the existing house as anticipated by the SPD and approved under the NPAD .

12. I find on the **first main issue** that the proposed development would harm the character and appearance of the host dwelling and its surroundings. As the development would not be of high quality design and would fail to have regard to townscape character including the materials of the built form in the locality, there would be conflict with the aims of LP Policy D1. The scheme would also depart too far from the SPD and the design aims of the Framework insofar as they relate to achieving well-designed and beautiful places.
13. Turning to the second main issue, comparisons with the NPAD are apt as this fallback has a strong likelihood of being implemented if the appeal were to fail. It must therefore carry greater weight than the guidance on depth and height for single storey rear extensions in the SPD. At 6.32 m in depth on its south-western flank, the appeal extension would be 0.32 m deeper than the NPAD scheme where it would come closest to the shared boundary with no. 43. However, instead of being sited on the boundary line as shown in the NPAD scheme, the appeal extension would be set in 0.5 m from that line. It would also be notably lower in height across most of its depth than the NPAD scheme.
14. These differences in siting and height more than make up for the additional depth of the appeal extension insofar as the impact on the adjoining property at no. 43 is concerned. Given the identified fallback, I consider that the proposed extension would not create the same degree of enclosure or appear as overbearing in the outlook from the neighbouring back garden and rear-facing rooms at no. 43. The experience of 43 Broomhead Road as being set within a good-sized back garden which faces south-east would endure. As with the NPAD scheme, I would not expect any overshadowing of no. 43 to occur beyond the early morning period. The natural daylight reaching the rear of this neighbouring property would be reduced but not to a greater degree than would occur if the NPAD scheme were to be carried out.
15. I find on the **second main issue** that the proposed development would sufficiently preserve the amenity of the residents at 43 Broomhead Road, with particular regard to outlook, access to natural daylight and sense of enclosure. As such, there would be no conflict with LP Policies GD1 and D1 or the SPD in this regard. Similarly, there would also be compliance with the Framework which seeks to ensure developments create places which promote health and well-being, with a high standard of amenity for existing and future users.

Other material considerations

16. There is reference by the parties to the "...benefit gained from rendering the dwelling and the extension...". This is not expanded upon but I have taken it to mean that it would improve the insulation of the property and thereby help to reduce carbon emissions. Whilst I understand the importance of reducing carbon emissions and of not preventing or discouraging appropriate innovation or change, this benefit would not outweigh the harm I have identified.

Moreover, I do not know whether other means of achieving the same degree of insulation, that do not significantly alter the external appearance of the property, have been investigated.

17. Within the context of an appeal under section 78 of the Act it is not within my remit to formally determine whether the proposed rendering of the existing house requires planning permission as claimed by the Council and questioned by the appellant. However, I have considered the evidence as to whether permission is required so far as it is material to this appeal. If the appellant wishes to ascertain whether this aspect of the development is or would be lawful, he may make an application under section 191 or 192 of the Act.
18. Such rendering would amount to permitted development subject to the condition that the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
19. This condition is intended to ensure that any works to enlarge, alter or improve a house result in an appearance that minimises visual impact and is sympathetic to existing development. This means that the materials used should be of similar visual appearance to those in the existing house, but does not mean that they need to be the same materials. For example, the external walls of an extension should be constructed of materials that provide a similar visual appearance - for example in terms of colour and style of brick used - to the materials used in the existing house walls. I find it difficult to accept that rendering the house, in whatever colour, would produce a result that would be of similar appearance to the bricks used in the construction of the exterior of the existing dwellinghouse. This limits the weight I attach to the claim made by the appellant but my finding is for the purposes of the current appeal only and does not prejudice any future application for a lawful development certificate.
20. I take no issue with the use of a flat roof over the single storey rear extension. Such roof designs are commonplace at the rear ground floor level of dwellings. The flat roof would not be prominent in the street scene or challenge the dominance of the main pitched roof. The extension's additional projection along its north-eastern flank would be limited to the width of a porch and would have no adverse implications for the amenities of any neighbouring property.

Conclusion

21. My finding on the first main issue is decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by my finding on the second main issue or by other material considerations, including the improved internal space for the home that the scheme would evidently provide.
22. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR