



Appeal Decision

Site visit made on 17 May 2022 by Darren Ellis MPlan

Decision by S R G Baird BA (hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th September 2022

Appeal Ref: APP/F4410/D/22/3294462

19 Barnburgh Hall Gardens, Barnburgh, 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 Metropolitan Borough Council.
 - The application 21/03183/FUL, dated 23 October 2021, was refused by notice dated 16 December 2021.
 - The development proposed is a first floor side extension to dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. These are the effect on the character and appearance of the courtyard estate, and neighbours' living conditions with regard to privacy and light.

Reasons for the Recommendation

Character and appearance

4. No 19 is a detached 2-storey dwelling with a single-storey outrigger. The property is one of 4 dwellings that front on to and encircle a courtyard area. These courtyard properties are densely packed and built to a similar design and finish. The single-storey outriggers provide some relief to the densely packed layout and contribute to an open character and appearance of the courtyard. In the wider area whilst house types vary there is a continuity in the use of finishing materials. Overall, this gives the impression of a carefully planned estate and has resulted in an attractive residential environment and a coherent street scene.
 5. Despite the use of matching materials, the addition would add considerable bulk and massing to the front of the property which would impact negatively on the openness of the courtyard. Consequently, the proposal would not respond positively to its context and would detract from the character and appearance of the courtyard estate.
 6. Nos 4 and 6 Barnburgh Hall Gardens have 2 and 3-storey outriggers respectively. However, these properties are part of a separate group of
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dwellings at the opposite end of the street which have a more spacious layout than the properties around the courtyard at the appeal site. As such these outriggers are not directly comparable to the scheme before me.

7. For these reasons the proposal would cause unacceptable harm to the character and appearance of the courtyard estate. The proposal would therefore conflict with Policies 41 and 44 of the Doncaster Local Plan (September 2021) (LP) which require development, including house extensions, to respond positively to their context and site features. The proposal would also fail to comply with the guidance in paragraph 2.12 of the Doncaster Council Development Guidance and Requirements: Supplementary Planning Document (July 2015) (SPD), which states that the design concept, layout and detailing should take reference from the host dwelling, neighbouring properties and the character of the area.

Living conditions of the occupiers of the neighbouring properties

8. The proposal would add 4 windows at first-floor level that would directly face the private patio area at No 11. Given the layout of the surrounding properties and the modest height of its boundary wall, this patio area is already overlooked by Nos 15 and 17. However, the new windows would be significantly closer to the patio area than the windows of the other properties, which would unacceptably increase the overlooking of and the perception of overlooking of the patio area. As such the proposal would cause significant harm to the living conditions of the occupiers of No 11.
9. The elevation facing No 21 would include an obscure-glazed window to an ensuite and 3 rooflights. The height of the rooflights above floor level would ensure there was no overlooking of No 21. The garden at No 21 is at a lower level and the extension would be directly to the south, however any overshadowing would only occur during the winter months when the sun is at its lowest. Overall, the proposal would not have a significant effect on No 21. There would be a significant separation between the proposed extension and the garden area and windows at No 17 which, together with the orientation of the extension, would ensure that would be no overlooking or overshadowing of No 17 and its garden.
10. For these reasons, the proposal would significantly harm to the living conditions of the occupiers of No 11. Consequently, the proposal would not accord with LP Policy 44 which requires, amongst other things, for proposals to not significantly impact the living conditions or privacy of neighbours. The proposal would also comply with paragraph 130(f) of the Framework and the guidance in SPD paragraph 2.12, which both require development to have a high standard of amenity for existing and future users.

Other Matters

11. No. 19 is located within the Barnburgh Conservation Area (CA), which contains Listed Buildings (LB) and a Scheduled Ancient Monument (SAM). The Council has raised no objection to the extension in terms of the effect on the character or appearance of the CA or the setting of the LB or SAM. I have no reason to disagree. Given the existing screening by intervening buildings and the degree of separation, there would be no harm to the setting of the listed building and scheduled monument.

12. Concerns regarding the Council's handling of the case are not matters for me to deal with as part of an appeal under S78 of the above Act.

Conclusion and recommendation

13. The proposal would cause harm to the character and appearance of the courtyard estate and to the living conditions of the occupiers of the neighbouring property. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed because of the conflict with the development plan and there being no material considerations which indicate that a decision should be made other than in accordance with the development plan.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

George Baird

INSPECTOR