2021/0592

Mr S Marsden

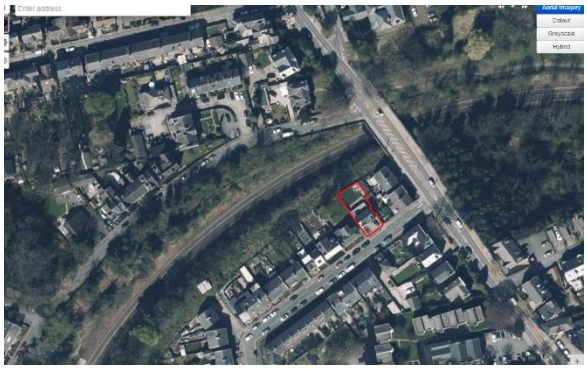
Variation of condition 2 (approved plans) of planning permission 2018/0269 to enable changes to the front boundary arrangements and to change to a flat roof above the two storey forward projection on the front elevation - Demolition of existing stables and hayloft and erection of detached dwelling

Land adjacent to 1 Hopwood Street, Barnsley, S70 2BW

Site Description

The site is located in the Victoria Road Conservation Area on No.1 Hopwood Street.
The site originally formed part of the rear garden of the dwelling, 18 Huddersfield Road and is bounded by residential properties fronting onto Huddersfield Road and Hopwood Street. To the rear is a railway in a cutting, with vegetation lining the embankment.

Following the grant of planning permission 2018/0269 the site now consists of a two and half storey, stone fronted dwelling set back from the highway, with parking to the front.





Site History

2018/0269 - Demolition of existing outbuilding and erection of 1no detached dwelling approved – June 2018.

2020/0239 - Variation of condition 2 (approved plans) of planning permission 2018/0269 - Demolition of existing stables and hayloft and erection of detached dwelling – refused May 2020 – dismissed at appeal.

Reason for refusal:
In the opinion of the Local Planning Authority the proposed parking arrangements to the front of the dwelling would fail to preserve or enhance the character or appearance of the Conservation Area by virtue of the absent front boundary wall and soft landscaping that were approved to form part of the development under the original planning permission (reference 2018/0269). As such the proposal is contrary to Local Plan Policy HE1 Historic Environment, D1 High Quality Design and Place Making and Supplementary Planning Document Design of Housing Development

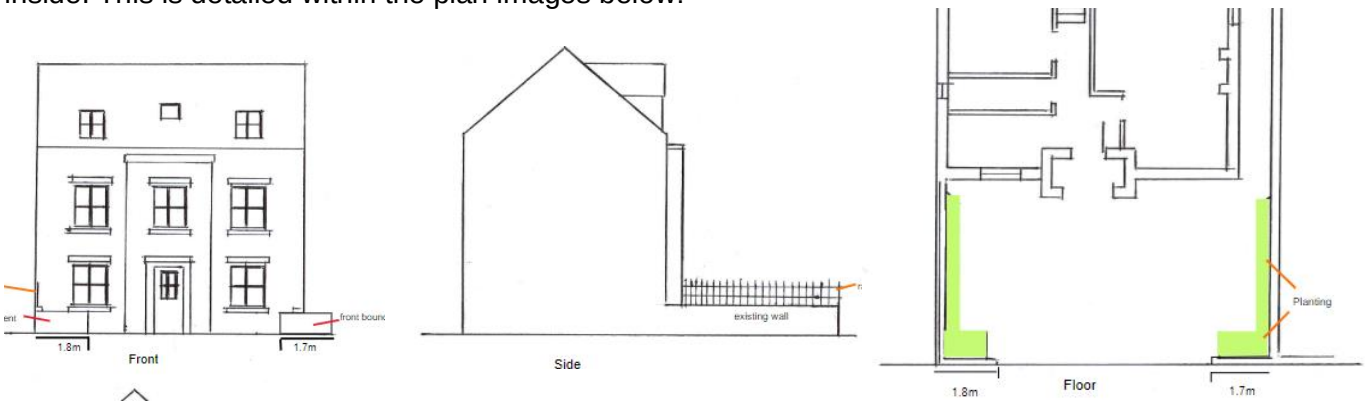
Proposed Development

This application proposes to vary condition 2 (approved plans) of planning permission reference 2018/0269 (Demolition of existing outbuilding and erection of 1no detached dwelling) as the development has not been carried out strictly in accordance with the approved plans.

Essentially, the forward projection on the front elevation of the property has been constructed with a flat roof rather than the approved pitched roof and the approved landscaping and construction of a low-level stone wall along the front boundary have not been implemented. The photo below illustrates the existing as built situation which is unauthorised.

The approved landscaping was intended to 'soften' the visual impact of two off street parking spaces to the front of the property.

Approval of this application would regularise the situation with regards to the different type of roof which has been constructed above the forward projection. In addition the absence of any front boundary treatment and soft landscaping is proposed to be remedied by the provision of a front boundary wall along a section of the front boundary at either end. Also railings would be added above the dwarf boundary wall on both ends along with a strip of soft landscaping positioned just inside. This is detailed within the plan images below:-



Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making.

Local Plan

The site is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

H4 Residential Development on Small Non-allocated Sites
Proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with other relevant policies in the Plan.

T3 New Development and Sustainable Travel
New development will be expected to:

- Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists;
- Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document;
- Provide a transport statement or assessment in line with guidance set out in the National Planning Policy Framework and guidance including where appropriate regard for cross boundary local authority impacts; and
- Provide a travel plan statement or a travel plan in accordance with guidance set out in the National Planning Policy Framework including where appropriate regard for cross boundary local authority impacts. Travel plans will be secured through a planning obligation or a planning condition.

Where levels of accessibility through public transport, cycling and walking are unacceptable, we will expect developers to take action or make financial contributions in accordance with policy I1.

If it is not possible or appropriate for the minimum amount of parking for cycles, motorbikes, scooters and mopeds to be met on site, the developer must provide, or contribute towards, off-site parking, or improve or provide other forms of travel.

T4 New development and Transport Safety
New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.
If a development is not suitably served by the existing highway, or would create or add to problems of safety or the efficiency of the highway or any adjoining rail infrastructure for users, we will expect developers to take mitigating action or to make a financial contribution to make sure the necessary improvements go ahead. Any contributions will be secured through a planning obligation or planning condition.

HE1 The Historic Environment
We will positively encourage developments which will help in the management, conservation, understanding and enjoyment of Barnsley's historic environment, especially for those assets which are at risk.
Proposals should preserve or enhance the character or appearance of a conservation area. There are 18 conservation areas in the borough, and each is designated for its built and historic significance. This significance is derived from the group value of its constituent buildings, locally prevalent styles of architecture, historic street layouts and its individual setting which frequently includes views and vistas both into and out of the area. Particular attention will be given to those elements which have been identified in a Conservation Area Appraisal as making a positive contribution to its significance.

Policy D1 High Quality Design and Place Making
Development is expected to be of high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley.

Policy GD1 General Development
Proposals for development will be approved if, amongst others, there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

Policy SD1 Presumption in favour of Sustainable Development
When considering development proposals, we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

SPDs/SPGs

Supplementary Planning Document – Design of Housing Development
Supplementary Planning Document – Parking
The South Yorkshire Residential Design Guide (SYRDG)

National Planning Policy Framework

The Revised National Planning Policy Framework sets out the Governments planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Consultations

Highways – No objections to the principle of the development proposal subject to the obligations contained within condition 15 attached to permission 2018/0269 being met. C15 reads: Pedestrian intervisibility splays having the dimensions 2m x 2m shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway. Reason: In the interests of road safety in accordance with CSP26

Conservation Officer – Objected to the as constructed version of the development. He is now content that that the most up to date proposal would represent a reasonable solution.

Ward Councillors – no comments received

Representations

Neighbour notification letters were sent to surrounding residents and a site notice was posted adjacent to the site; three letters of support have been made in relation to the development providing off street parking on a street where parking is an issue.

Assessment

Principle of development

The principle of residential development on the site has been established with the granting of planning permission 2018/0269 subject to the conditions set out in the decision notice. This application seeks to vary condition 2 of the planning permission as the development was not constructed in accordance with the approved plans. The application is made in the context that a previous amendment application to delete the front boundary wall and allow the site to remain open plan on the site frontage was refused with the subsequent appeal also being dismissed by the Planning Inspectorate.

Visual Amenity/Impact on the Conservation Area

The Council's Conservation Office has no objections to the as built flat roof on the forward projection on the front elevation of the property. It is considered therefore that this aspect of the proposal accords with Policies HE1 and D1 and is therefore acceptable.

However, the Conservation Officer does object to the lack of soft landscaping and the expanse of front of dwelling parking which is felt to denude the quality of the Conservation Area.

The Supplementary Planning Document – Design of Housing Development states that parking areas to the front of dwellings should be designed to reduce their dominance, Building for Life considers that an over reliance on in front of plot parking should be avoided.

The area between dwellings and the highway provides one of the best opportunities for enhancing the appearance of a housing scheme. Careful attention to matters such as paved surfaces rather than tarmac, tree and shrub planting and the erection of walls and railings can have a major impact and where front garden physical boundaries exist in the neighbouring areas these should continue to be used in new development.

There are 18 conservation areas in the borough, and each is designated for its particular built and historic significance. This significance is derived from the group value of its constituent buildings, locally prevalent styles of architecture, historic street layouts and its individual setting which frequently includes views and vistas both into and out of the area. Particular attention will be given to those elements which have been identified in a Conservation Area Appraisal as making a positive contribution to its significance.

The Victoria Road Conservation Area was designated in September 1974 by Barnsley Metropolitan Borough Council, with further extensions added in June 1979. It covers an area

of 10.54 hectares and includes many properties of late 19th Century origin and covers many streets including Victoria Road, Victoria Street, Western Street and Hopwood Street.

The two main streets that run through the heart of the Conservation Area, Victoria Road and Western Street, run on an east-west alignment. The streets that form the east and west boundaries of the area, Huddersfield Road and Sackville Street, run on a south east to north westerly alignment. The other two main streets in the area, Victoria Street and Hopwood Street, vary in orientation and provide connections between the other routes through the Conservation Area.

Hopwood Street consists mainly of terraced properties along its length, with the occasional detached building set within substantial grounds. The street scene is dominated by rows of terracing to each side, with very few trees, apart from a couple of mature groups in private gardens near the junction with Victoria Road. As with other streets, low walls to the front of most properties mark the boundary between the public highway and private space.

Architectural relationships between buildings and the surrounding public realm tends to be formed through small gardens and spaces created at the front of most properties, even terraced properties, by small walls and gates that create a subtle demarcation between the public and private realm.

The original application was approved on the basis of the submitted plans which, whilst there was a loss of most of the front boundary wall a suitable mixture of hard and soft landscaping and a boundary wall would be maintained in between, and on one side of the two accesses.

The Inspector noted that whilst a number of front walls had been removed along Hopwood Street; adjacent to the application site, the front boundary walls had largely been retained. This may be due to the particularly narrow depth of front gardens. It may also be because parking spaces are more available along this stretch of the road. Either way, in the context of the existing street scene the open frontage at the appeal site appears incongruous.

The Inspector also appreciated that the approved front wall would only partly enclose the boundary. However, a degree of enclosure would reduce the gap in the street frontage, reference the established character of the street and better assimilate the dwelling into the street scene.

The scheme as approved totalled 3.8m length of wall and 5.8m length of gap along with soft landscaping; the scheme subject to this application totals 3.5m length of wall and 6.2m length of gap.

Whilst the gaps were broken between sections of wall on the previous application, the lengths of the respective sections are comparable to the earlier approval and provide some sense of enclosure in line with the Inspectors comments.

Whilst the soft landscaping provided as part of this application is significantly less than approved, it is considered acceptable given that the authorities main point of concern was that of the excessive hard landscaping and lack of boundary treatment to the front of the property.

It is therefore considered that the proposed variation complies with Local Plan Policy HE1 Historic Environment and is acceptable.

Residential Amenity

The location of the dwelling has not changed, nor are there any issues which would have an impact on the surrounding dwellings; it is therefore considered that the proposal would not have a significant impact on residential amenity and is therefore considered acceptable and in accordance with Local Plan Policy GD1.

Highways

There are no alterations proposed to the parking and access arrangements, in that there is sufficient off-street parking for 2no vehicles and therefore it is considered that the proposal is acceptable and in compliance with Local Plan Policy T4.

Conclusion

The principle of residential development on the site has been established with the granting of planning permission 2018/0269 subject to the conditions set out in the decision notice, however, the development was not constructed in accordance with the approved plans and therefore enforcement action proceedings commenced. Following the submission of a variation of condition application which was subsequently refused and dismissed at appeal the applicant has submitted the scheme before us to remedy the situation. Whilst the scheme does not match that originally approved it does go some way to address the concerns raised and as such it is considered acceptable and in compliance with Local Plan Polices

Recommendation – Approve