2021/1053

Applicant: Mr Craig Plunkett

Proposal: Erection of single storey rear extension to dwelling and detached garden room with studio above.

Address: 2A Calder Avenue, Royston, Barnsley, S71 4AS

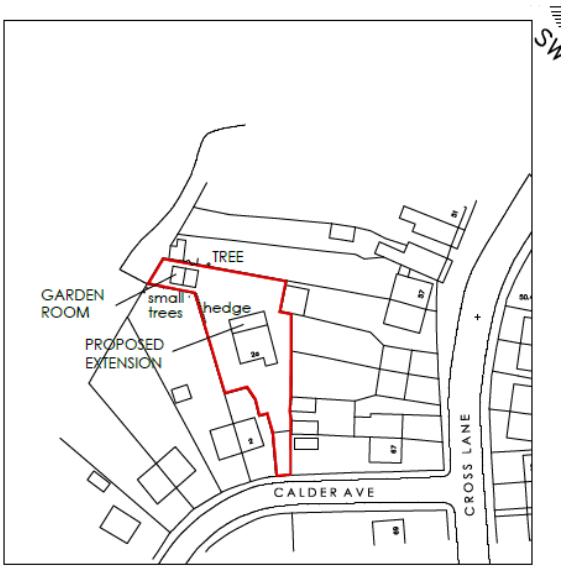
Site Location & Description

The applicant's property is a detached red brick dwelling approved planning permission in 2003 under B03/1521/RO. The dwelling is set over two storeys with a hipped roof, artificial stone cills and quoins alongside brown uPVC windows which are also featured in the rear elevation that has been subject to a rear conservatory extension. The curtilage of the property is L-shaped given that it has been formed from two other rear garden areas. Access can be gained from both Calder Avenue and from the western rear boundary with access being also able to be gained from the rear across the properties on Cross Lane. Topographically the site predominantly flat with a tree on the northern boundary shared with 57 Cross Lane.







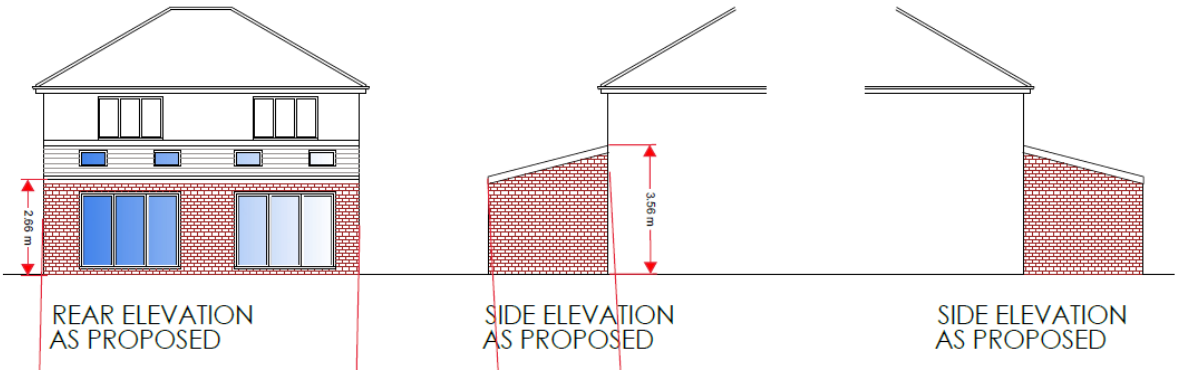


LOCATION PLAN
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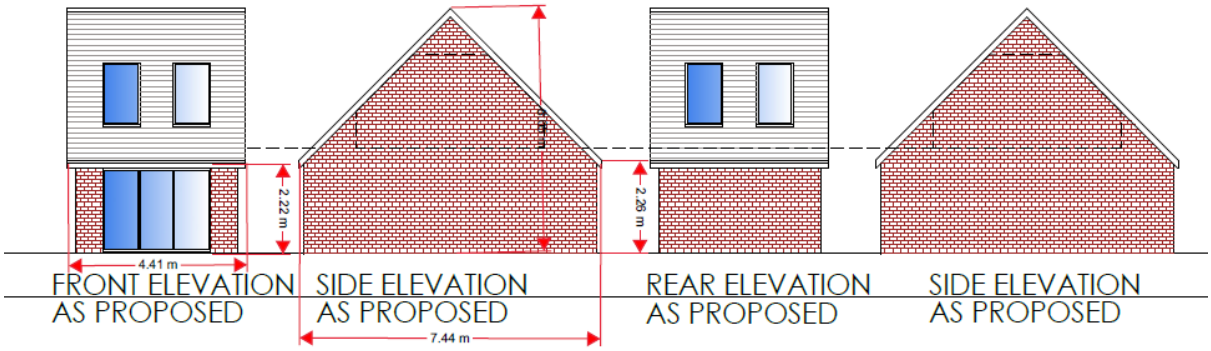
Proposed Development

The applicant is seeking approval for the erection of a single-storey detached outbuilding located in the north western section of the their rear curtilage space. The 'garden room' will have two-storeys, one being in the roofspace and accessed by an internal stair. In terms of dimensions, the outbuilding is proposed with a pitched roof and shall be 4.4m in width and 7.4m in depth with an eaves and ridge height of 2.2m and 6m respectively. A separate single storey rear extension is also proposed with a mono-pitch lean-to roof at an eaves and ridge height of 2.6m and 3.6m respectively. The extension will project 3.3m from the main rear elevation at width of 8.75m – the full width of the dwellinghouse. Both additions will have bi-fold doors to provide internal access and are indicated to be constructed from matching materials on the application form.

Rear Extension



Outbuilding



Policy Context

Planning decisions should be made in accordance with the local 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. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

<u>NPPF</u>

The National Planning Policy Framework sets out the Government's 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.

In respect of this application, relevant policies include:

Section 12: Achieving well designed places - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Within section 12, paragraph 134 is the most relevant which indicates that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Local Plan

The new Local Plan was adopted at the full Council meeting held 3th January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011). In reference to this application, the following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development

Policy GD1: General Development –

Policy D1: High quality design and place making

Policy BIO1: Biodiversity & Geodiversity

Policy H9: Protection of Larger Dwellinghouses

SPD: House extensions and Other Domestic Alterations

Supplementary Planning Document - House Extensions sets out the design principles that specifically apply to the consideration of planning applications for house extensions, roof alterations, outbuildings & other domestic alterations. The general principles are that proposals for should:

1. be of a scale and design which harmonises with the existing building
2. not adversely affect the amenity of neighbouring properties
3. maintain the character of the street scene and
4. not interfere with highway safety.

The following section of the SPD is particularly relevant to this application:

Outbuildings and Annexes

8.25 Detached garages should relate sympathetically to the main dwelling in style, proportions and external finishes. In most cases, it will not be appropriate for a garage to be sited between the house and the road.

8.26 Detached garages should be single storey structures and the eaves height should not normally exceed 2.5m from ground level. It is not considered appropriate for detached garages to include dormer windows as a way of accommodating rooms in the roof space but in some circumstances (e.g. where the garage is set within a large curtilage) it may be possible to utilise the roof space for ancillary accommodation/storage but not as an annex/granny annex. Where the privacy of neighbouring residents would not be compromised it may therefore be possible to install roof lights.

8.27 An annex building, often referred to as a 'Granny Annex' may be permitted in a rear garden where it would not occupy a disproportionate amount of the garden and would not have its own separate access or garden area. An annex should normally have a close physical relationship with the host dwelling, be single storey and in all circumstances it should only have 1 bedroom and no more than 3 rooms in total.

SPD Parking:

Housing and Flats	1 space for dwellings with 1 or 2 bedrooms 2 spaces for dwellings with 3 or more bedrooms	1 space for dwellings with 1 or 2 bedrooms 2 spaces for dwellings with 3 or more bedrooms	All development

Other:

South Yorkshire Residential Design Guide

Representations

Neighbour notification letters were sent out to surrounding properties; no comments were received.

Assessment

Principle of development

The site falls within urban fabric which has no specific land allocation, however the site and surrounding area is made up principally of housing. Extensions to residential properties are considered acceptable where they do not have a detrimental impact on the amenity of surrounding residents, visual amenity and on highway safety.

Visual Amenity

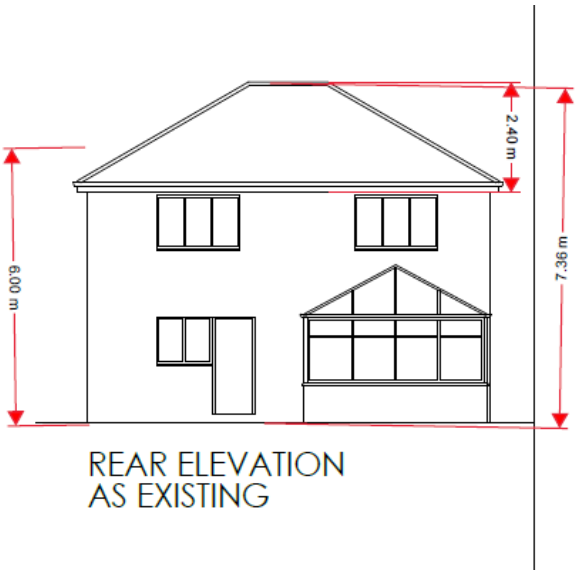
Neither the rear extension or outbuilding are in locations that are particularly visible from public highways (i.e. Calder Avenue or Cross Lane) however the rear gardens across Calder Avenue and Cross Lane are highly visible to the public from the elevated path of the adjacent Public Right of Way which follows the tow path of the disused Canal. The rear extension is an

acceptable visual introduction at the rear of the dwellinghouse as it is proportionate to the dwelling to which it will be affixed.

By contrast, the proposed outbuilding will be distinctly at odds with the prevailing style of existing outbuildings featured in rear gardens in the area which are typically low-level wooden constructions, such as garden sheds with shallow rooves as evidenced in the imagery below[1]:



The proposed outbuilding has an eaves height of 2.2m with roof slopes that nearly double this height at 3.8m to total 6m overall. The roof does not conform to those of surrounding properties, which are hipped, due to the insistence of the applicant on retaining a first floor area which is contrary to guidance in the SPD House Extensions for annexes. To emphasise the disproportionate mass and scale of the outbuilding in terms that are representable, the outbuilding's ridge will rise to a point that is equal to the mid-point of the main dwelling's roof which is itself only 1.3m higher at 7.3m in height as evidenced in the scaled drawing below:



[1] Relevant comparison to Inspector analysis in Paragraphs 7-10 of Appeal Decision APP/R4408/D/18/3210579 (2018/0616) – The details of this planning application can be viewed via the following link: https://wwwapplications.barnsley.gov.uk/PlanningExplorerMVC/Home/ApplicationDetails?planningApplicationNumber=2018%2F0616

When viewed from the Public Right of Way[2], the outbuilding will be closer than that of the main-dwellinghouse and therefore the perspective will mean that the outbuilding will appear even larger from this public vantage point. Given that a speculative backland proposal for a dwellinghouse at the rear of 53 Cross Lane was refused recently under 20191552 it is also possible that approval of such a disproportionate outbuilding would embolden copy-cat proposals in adjacent back-land locations given the potential for separate vehicular access arrangements.

Overall the outbuilding is a disproportionate and out of character addition visible from the Public Right of Way to the west which has the potential to encourage similar style development across the residential area. Consequently, it is felt that the outbuilding is not in accordance with the SPD: House Extensions and Other Domestic Alterations as well as Local Plan Policy D1: High Quality Design and Place Making on account of its impact upon visual amenity.

Residential Amenity

The outbuilding is a large structure, and though the rear curtilage is not small it is positioned in a narrow area which means that adjacent curtilage boundaries are only 1m away on either side from both gables which rise to a height of 6m. It is acknowledged that an outbuilding and tree are located on the northern boundary which will largely offset the overshadowing impact from the south. Nevertheless the rear boundary of 4 Calder Avenue will be significantly overborn by a very tall elevation. When viewed in isolation, this impact is not ideal but likely acceptable given that No.4's rear curtilage is long and set in a southern location. However the outbuilding does not comply with guidance in that it is served by a separate access at its rear and is of a size that could be utilised as a separate dwellinghouse.

For the purposes of this analysis the development is interpreted as an 'annex' and not as a 'garage' as these are the two definitions of outbuildings set out within the guidance SPD House Extensions. Indeed the applicant's agent has argued that the outbuilding has its own definition as a 'garden room' but the LPA consider that this definition comes under 'annex' given that it constitutes additional accommodation to the main dwellinghouse and is not proposed as a garage. Points 8.26 and 8.27 of the SPD House Extensions are relevant in this instance particularly the following extracts:

It is not considered appropriate for detached garages to include dormer windows as a way of accommodating rooms in the roof space but in some circumstances (e.g. where the garage is set within a large curtilage) it may be possible to utilise the roof space for ancillary accommodation/storage but not as an annex/granny annex.

An annex building, often referred to as a 'Granny Annex' may be permitted in a rear garden where it would not occupy a disproportionate amount of the garden and would not have its own separate access or garden area. An annex should normally have a close physical relationship with the host dwelling, be single storey and in all circumstances it should only have 1 bedroom and no more than 3 rooms in total.

The LPA have sought to reduce the height of the outbuilding in order to remove the first floor element as a viable sleeping space with the added benefit of reducing the overbearance of No.4's rear boundary. The first floor, as set out within the above statements, is contrary to the guidance as it creates an annex space at the first floor that can be used as a full habitable

[2] Relevant comparison to Inspector analysis in Paragraph 9 of Appeal Decision APP/R4408/W/21/3272635 (2020/1465) – The details of this planning application can be viewed via the following link: https://wwwapplications.barnsley.gov.uk/PlanningExplorerMVC/Home/ApplicationDetails?planningApplicationNumber=2020%2F1465

area (due to the internal ceiling height) and is therefore not restricted to use for storage or other similar ancillary accommodation purposes. However the agent claims that the curtilage is large enough to host a first floor. The LPA disagree with this assertion as the height of the outbuilding and its relative proximity to the shared side boundaries emphasize that the rear garden is not large enough or of an orthodox layout to enable such a layout to be acceptable.

What's more, the outbuilding is served by a vehicular access at its rear that could enable the two-storey outbuilding to be utilised as a separate planning unit and severed from the existing dwellinghouse. It is appreciated that the proposal does not provide an aperture or entrance facing the access, but this could otherwise be achieved relatively simply with minimal alterations to the design that would not be visible within the streetscene and thus not immediately obvious to adjoining properties. In any case, pedestrian access can be gained around the outbuilding from the rear access and it is still feasible for the outbuilding to be utilised as separate living accommodation given its 39sqm internal space.

Cumulatively, the height and overbearance of the proposed outbuilding in combination with the first floor level and separate access arrangement amount to an unreasonable potential impact on the amenity of neighbouring dwellinghouses as well upon the occupiers of the applicant's dwellinghouse should the outbuilding be severed at a future date (which it is capable of).

In respect of the rear extension, this is considered a reasonable addition to the dwellinghouse due to its modest height and projection and no residential amenity impacts are likely to occur on account of the density of the tree canopies across the northern boundary shared with 59 Cross Lane and the presence of the outbuilding in No.59's rear curtilage.

The proposed rear extension is viewed as acceptable in residential amenity terms whereas the proposed outbuilding is not considered acceptable by reason of its overbearance and potential to be utilised as a separate dwellinghouse contrary to guidance. The application will therefore be refused permission as it does not comply with the requirements of Local Plan Policies GD1: General Development and H9 – Protection of Larger Dwellinghouses

Other Material Considerations

A tree survey has not been provided despite the potential impact of the outbuilding development on the tree located upon the northern boundary shared with 59 Cross Lane. Given the value of mature trees in urban locations in terms of landscaping and biodiversity, a precautionary approach to tree retention is required to ensure that the tree is unimplicated by the development. Consequently a reason for refusal is required given that the impacts on the tree is unknown and no mitigation or alternative designs have been proposed which could offset the potential damage to the tree identified.

Conclusion

To conclude, the proposed outbuilding development is contrary to the SPD which indicates that annex outbuildings should be single storey structures not served by a separate access – the reason being to prevent unauthorised dwellinghouses being created. The proposal is found to contravene both of these criteria and is consequently excessive in terms of its height to its roof ridge which would result in an overbearing gable relative to the boundary of No.4 Calder Avenue while also potentially implicating an adjacent mature tree that could result in pressure to fell. The development is therefore contrary to the SPD: House Extensions and Other Domestic Alterations as well as Local Plan Policies GD1 – General Development and Bio1 – Biodiversity and Geodiversity considered to be unacceptable in terms of visual amenity.

Recommendation

Refuse