Ref 2021/0440
Applicant: Mr Sangha
Description: Erection of single storey extensions on both sides to form 2no additional retail units (Use Class E)
Site Address: 49 Laithes Lane, Athersley South, Barnsley, S71 3AQ

Site Location and Description

The site is located to the north of Laithes Lane which connects Wakefield Road to the west with Carlton industrial estate to the east. The immediate surrounding area is residential in character but commercial uses are found to the west within a small retail complex located at the highways junction with Wakefield Road. The existing building has a large pitched roof with single storey elevations and a disabled access in front of the principle elevation, which faces south, and features two anthracite windows and doors surrounded by red brick and render. The whole of the side and rear elevations are composed of breeze block. A tree is present upon the south western corner of No.24's rear curtilage despite the application form indicating that no trees are on adjacent land.





Proposed Development

The applicant proposes to erect 2no. side extensions to the building pictured above. The dimensions of the extensions are as follows:

Western Extension:

Width – 7.5m, Depth – 9.6m, Eaves Height – 4.3m, Total Height – 5.7m

The western extension shall have a dual-pitched roof with rendered elevations, concrete tiles to the roof slopes and grey aluminium doors. The overall internal space created is approximately 70sqm.

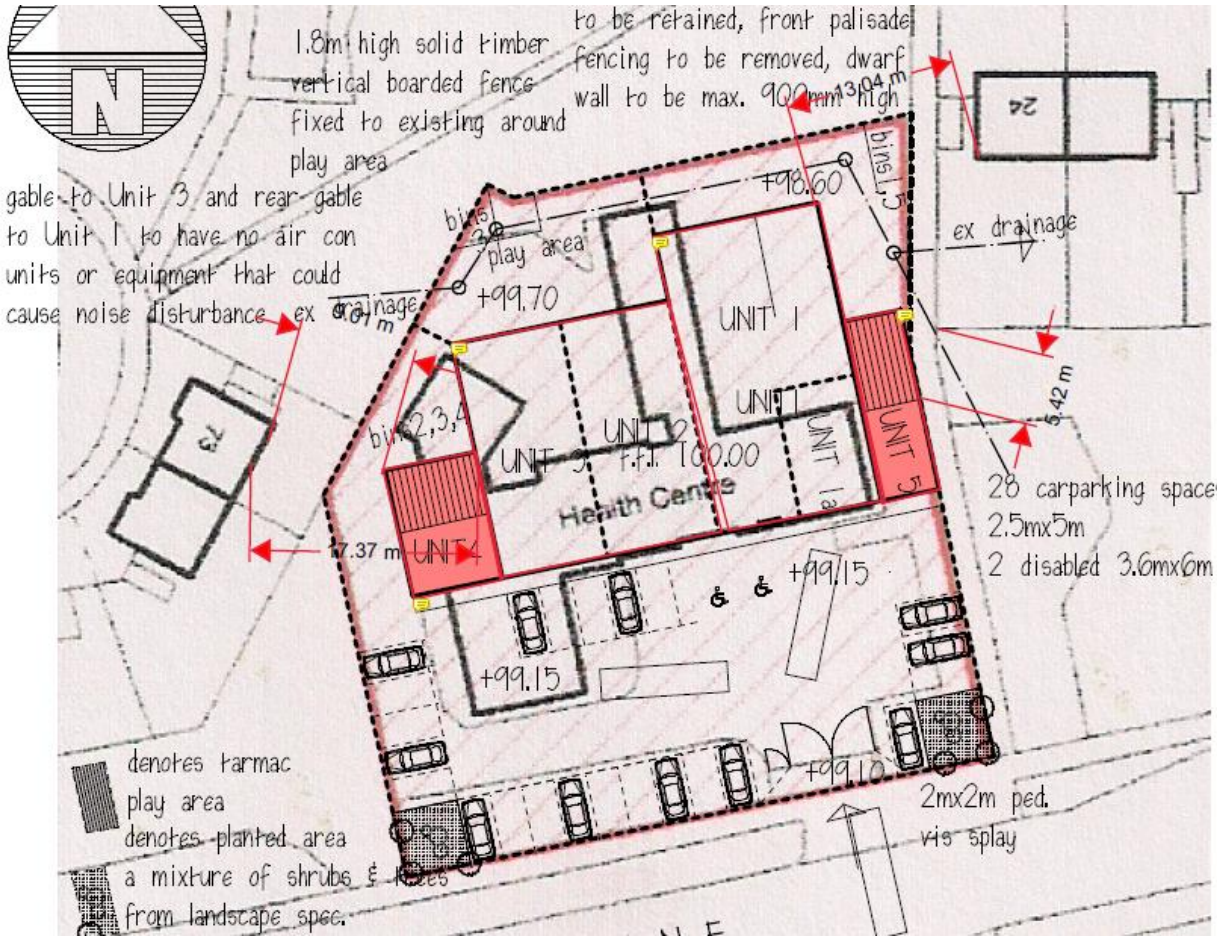
Eastern Extension:

Width – 4.7m, Depth – 14.5m, Eaves Height – 4.3m, Total Height – 6.3m

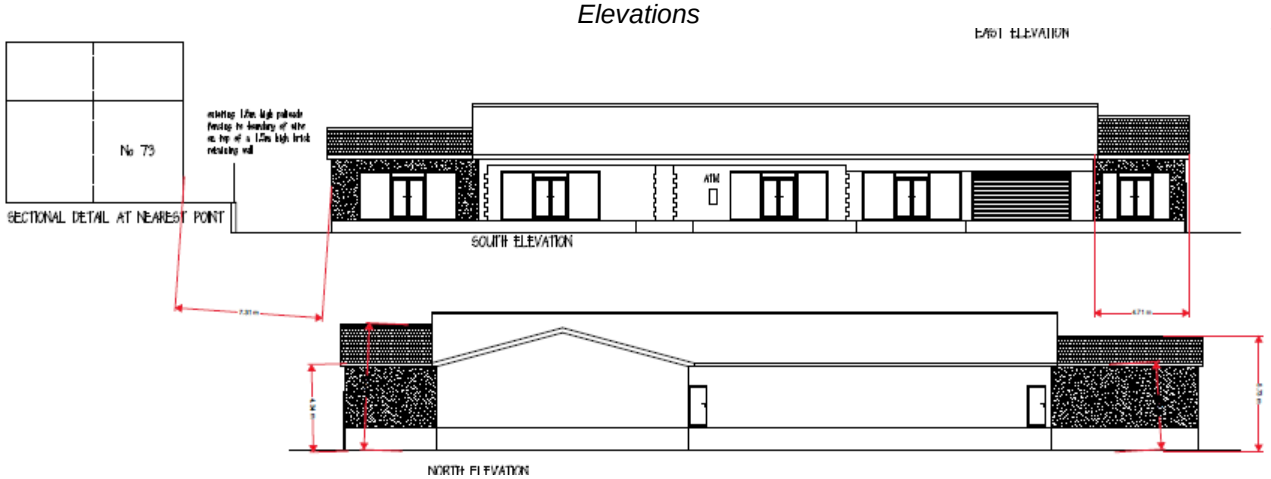
The eastern extension is similar in style to that of the western extension, being proposed with the same roof design and finishing materials. The overall internal space is 63sqm.

The western extension is located adjacent to the rear garden of 73 High Croft Drive and the eastern extension is adjacent to the rear garden of 24 Arnold Avenue.

Site Plan



Elevations



Planning History

2013/1351 – Change of use of premises from D1 (non-residential institution) – A1 Retail – Approved Conditionally.

2014/0677 – Demolition of existing health clinic and erection of retail units – Approved Conditionally.

2015/0363 - Demolition of existing health clinic and erection of retail units (Resubmission) – Approved Conditionally

2019/1549 - Change of use of 2no. retail units to children's day nursery (retrospective) – Approved with Conditions (on the premise that the use class is permitted development).

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.

The new Local Plan was adopted at the full Council meeting held 3rd 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). The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Local Plan Allocation – Urban Fabric & Existing Community Facility

Relevant policies include:-

LG2 The Location of Growth
GD 1 – General Development
D1 – High Quality Design and Place Making
Poll1 – Pollution Control and Protection
TC5 – Small Local Shops

Supplementary Planning Document

Residential Amenity and the Siting of Buildings
Parking

NPPF

The revised 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.

Consultations

The following consultee responses have been received:

Air Quality – Potential need for electric vehicle charging points.

Yorkshire Water – No response after 21 days

Highways Drainage – Satisfied the details are subject to the building regulations

Pollution Control – No objections

Representations

The application has been advertised by way of a site notice and properties which share a boundary to the site have been consulted in writing in accordance with the requirements of the Development Management Procedure Order. No representations have been received.

Assessment

Principle of Development

LP Policy TC5 has a threshold of 500sqm or less for small shops serving local needs. Both extensions would form units significantly smaller than 500sqm and therefore there is no need to provide an impact assessment despite the proximity of the site to Athersley Local Centre to the west.

The site itself is set within the Urban Fabric designation of the Local Plan Policies Maps which is an allocation without specific designation. Urban Fabric is a designation covered by LP Policy GD1 General Development and the principles cited within the policy wording shall be applied to the residential and visual amenity assessments conducted below. The acceptability of the development is subject to the findings of these assessments.

Residential Amenity

The extensions on both sides of 49 Laithes Lane do not meet the minimum 25m rule to adjacent rear habitable windows as required under point 1 of the Separation Distances section set out within the SPD Residential Amenity and Siting of Buildings. It is appreciated that the existing building is already within these distances, however it broadly follows the width of the previous health centre building albeit at a greater height than the building it replaced which had flat-rooves on either side adjacent to the affected properties (as visible on Google Street View March 2009 & 2012).

In respect of No.73 High Croft Drive, the distance from the western side elevation of the building will be reduced from approximately 17.4m to 9m. This is nearly a 50% reduction in distance with a rear eaves height of 4.3m sat opposite the rear habitable windows of the residential property. There is a 1.5m level difference on the shared boundary which will lessen the height of the building, however a blank gable wall will consume the entire outlook across No.73's rear garden up to a height of 5.7m and the general amenity of the dwelling and its rear curtilage will be significantly reduced by consequence.

In respect of the eastern extension, the impact upon 24 Arnold Avenue is acute with regard to its position relative to the location of the rear curtilage and the path of the sun. The extension is directly south west of No.24's rear garden rising to a rear eaves height of 4.3m and a ridge height of 6.3m that is only 2m away from the rear boundary of that residential property. The width of the extension, in excess of 4m, means that the ridge of the extension shall significantly overshadow No.24 Arnold Avenue's rear garden as the height of the building advances far closer to the rear boundary than the current arrangement.

Overall the proposed extensions significantly erode the quality of the amenity currently available to the adjacent properties 73 High Croft Drive and 24 Arnold Avenue. The former dwelling will be subject to a significant reduction in its outlook while being overborne by a blank gable wall while the latter residential property shall lose a significant amount of light in its rear curtilage and across its rear elevation, particularly in the winter months when the sun is lower. By consequence the proposed extensions are found to be contrary to the minimum space standards in the SPD Residential Amenity and Siting of Buildings as well as LP Policy GD1 – General Development pertaining to residential amenity.

Visual Amenity

The western extension retains a gap to the side boundary, however the eastern extension shall be positioned up to the boundary with its eaves overhanging the footpath which provides access from Laithes Lane to Arnold Avenue. The loss of the gap to the side boundary will clearly imbalance the façade of the building through overdevelopment of the site as the scale of the development will appear cramped through its eaves overhanging the adjacent footpath. This shall be further accentuated by the extension's fenestration which does not match the proportions of those used for the other units. The surrounding area is subject to significant levels of open space that provide gaps between the residential development and commercial development across Laithes Lane. The gap to the side boundary helps provide clear separation and delineation and the eastern side extension will remove this benefit to the streetscene. The western extension also has an imbalancing effect due to its excessive width and due to both its width and ridge height being at variance to the extension proposed on the eastern side.

Overall the proposed extensions overdevelop the site and reduces the aesthetic quality of the building which it will be attached to. The extensions, being uneven in width, imbalance the façade with the eastern extension being unable to achieve the width necessary to provide a matching entrance layout to those of neighbouring units which further evidences the fact that it this extension is being shoe-horned into a space that is not suitable nor achievable for good design.

The development is consequently determined to be contrary to the requirements of LP Policy D1 – High Quality Design and Placemaking.

Other Considerations

Trees – The eastern extension is in a location which implicates a mature tree in a rear garden. A tree survey has not been provided while the application form submitted by the agent ignores the presence of this tree entirely. As approval of the development would have an unknown impact on the tree within 24 Arnold Avenue's rear garden, the development is refused until further information is provided.

Conclusion:

In the opinion of the Local Planning Authority the proposed western extension is at a height and proximity that would overbear the rear boundary of 73 High Croft Drive thereby significantly harming the outlook and amenity of the internal and external habitable areas of that property. Similarly the height and location of the eastern extension relative to the path of the sun would significantly erode light levels across the rear habitable windows and garden area of 24 Arnold Avenue thereby detrimentally impacting the quality and amenity of its residential spaces for its occupants. Cumulatively both extensions inflict unacceptable harm to the amenity of the cited residential properties as they decrease separation standards significantly below reasonable standards as required by the SPD Residential Amenity and Siting of Buildings. As such the development is determined to be contrary to Local Plan Policy GD1 – General Development.

The extensions constitutes overdevelopment of the site. The eastern extension builds up to and overhangs the adjacent foot path while attaining insufficient space to provide an adequately proportioned entrance to the new retail unit that would be consistent with the entrances to the existing units on the building. The western extension is at a varied width to the eastern extension and the height of both extensions are at variance with each other and that of the main roof ridge thus rendering the façade imbalanced with the eastern extension appearing cramped when viewed from public vantage points across Laithes Lane and therefore contrary to the design principles required by Local Plan Policy D1 - High Quality Design and Placemaking as well as the design principles set out under NPPF Paragraph 130.

The proposed development is sited in proximity to a mature tree without the support of an impact assessment or protection plan that could mitigate harm to that tree. Without such details the Local Planning Authority cannot make an informed decision on the impact of the application and consider the proposal detrimental to the visual amenities of the locality contrary to Local Plan Policies D1 - High Quality Design and Placemaking as well as BIO1 - Biodiversity and Geodiversity.

Recommendation:
Refuse