
2024/1044

Mr Steven Ward

7 Ben Bank Road, Silkstone Common, Barnsley, S75 4PA

Erection of gazebo to front of detached dwelling.

Site Description

The application relates to a plot located on the south-east side of Ben Bank Road and close to the crossroads junction with Cone Lane, Knabbs Lane and Moorend Lane. The application plot is located in an area that is principally residential characterised by a mix of dwelling types of varying scale and appearance.

The property in question is a two-storey detached dwelling constructed of brick with a steeply pitched gable pitched roof constructed with brown roof tiles. The street-facing gable is constructed of stone and features first-floor timber cladding. There are two flat roof dormer windows clad in white upvc to each side of the dwelling and an existing two-storey projection to the rear. The site is set significantly below the street level of Ben Bank Road with the dwelling appearing as a detached bungalow from this location. The topography of the site and wider area continues to fall north-west to south-east. The development site is accessed off Moorend Lane in between 16 Moorend Lane and 1 Viewlands. The development site itself is accessed from the south-west corner of the plot and is shared with 9 Ben Bank Road. There is an existing detached garage in this location. A separate common access track runs parallel to the western boundary of the site and to the rear of neighbouring properties on Moorend Lane. At the north-east end of the track is a timber gate which offers alternative access to the development site. Beyond this is a partially erected timber frame gazebo. This area of the plot is surfaced with gravel.



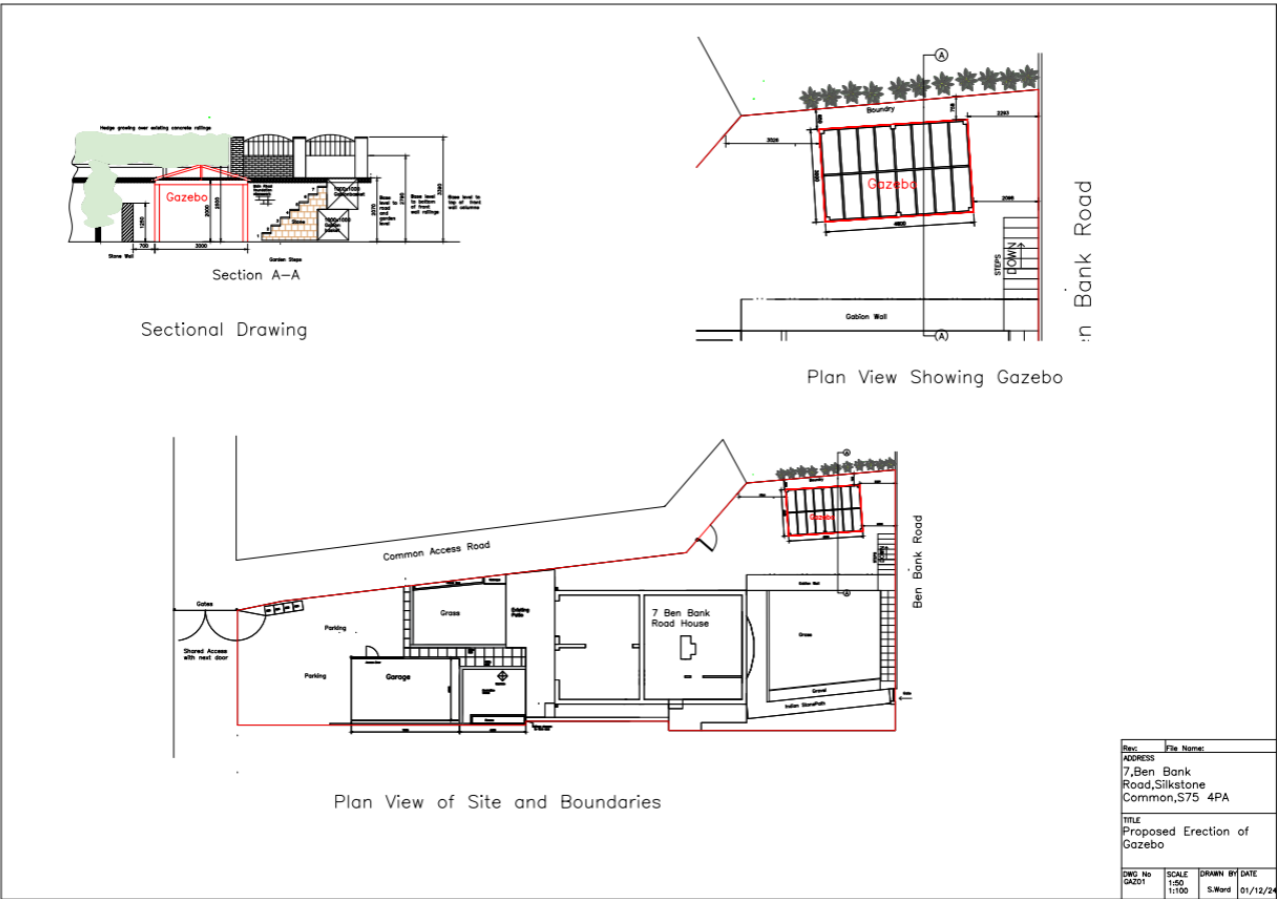
Planning History

There is no planning history associated with the application site.

Proposed Development

The applicant is seeking permission for the part-retrospective erection of a gazebo to the side and front of the application dwelling.

The gazebo is a timber frame structure that measures approximately 4.8 metres (L) by 3 metres (W) and has a gable pitched roof with an approximate eaves and ridge height of 2 metres and 2.5 metres respectively. The roof would be boarded and clad with square felt roof shingles.



Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

The Local Plan review was approved at a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review, which is due to take place in 2027, or earlier, if circumstances require it.

Local Plan Allocation – Urban Fabric

The application site is allocated as urban fabric in the adopted Local Plan which has no specific land allocation. Therefore, 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 T4: New Development and Transport Safety.***

National Planning Policy Framework (December 2024)

The NPPF sets out the Government's planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the Local Plan should be approved unless material considerations indicate otherwise. In respect of this application, relevant sections include:

- ***Section 12: Achieving well-designed places.***

Supplementary Planning Document(s)

- ***House Extensions and Other Domestic Alterations.***
- ***Parking.***

Other Material Considerations

- ***South Yorkshire Residential Design Guide 2011 (SYRDG).***

Consultees

Silkstone Parish Council	<i>No comments received.</i>
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Representations

Neighbour notification letters were sent to surrounding properties and a total of two representations were received from two addresses, including one objection with the following concerns raised:

- *The location plan of this application indicates that the private driveway runs past and between my property garden and the site of the erected gazebo. This is not the case and is historically very much out of date.*

- *The site plan indicates a single gate access from the driveway to close proximity to the gazebo. Again, this is incorrect as this is in fact a double vehicle access gate.*
- *The applicant has answered 'don't know' to the question regarding vehicle access and hard standing.*
- *These three points infer that the site is to be accessed by vehicles, and since the applicant originally stated the reason for erection of a building there was for car storage, I strongly object to such usage. This is because the applicant's plan does not indicate the easement which is registered with Land Registry in my name for the parking of my own car directly outside the gates which the applicant has recently installed as part of his substantial landscaping project of which the gazebo is part. This easement relates to almost 30 years of use as my parking space.*

The accuracy of the Location Plan must be taken at face value by the local planning authority (LPA).

It is acknowledged that the Site Plan does show a single width access gate to the north-east end of the common access road which is inaccurate. A site visit was undertaken on 17th January 2025 and established that there was a larger vehicular access gate in situ. The applicant has stated that this access gate was installed around four years ago and while new boundary fencing was being erected. Whilst this is noted, a vehicular access gate in this location and like the one installed could be erected as permitted development, and notwithstanding this, the access gate is not under consideration as part of this application.

The applicant's answer to the question regarding the existing and proposed materials of the vehicle access and hardstanding on the application form is acknowledged. However, neither of these factors are under consideration as part of this application. It is also acknowledged that both of these factors could be implemented as permitted development.

The issue of an easement is a legal matter and not a material planning consideration.

Assessment

For the purposes of considering the balance in this application, the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of Development

Extensions and alterations to a dwelling are acceptable in principle if the development would remain subservient and would be of a scale and design which would be appropriate to the host property and would not be detrimental to the amenity afforded to adjacent properties, including visual amenity and highway safety.

Residential Amenity

Extensions and alterations to a domestic property are acceptable if the proposed development would not adversely affect the amenity of neighbouring properties.

The gazebo has been erected in-part to the north-west corner in the development site and is located to the north-east of the blank gable elevation of 1 Benk Bank Road and to the north-east of the rear elevation of 2 Moorend Lane. Any potential overshadowing impact is therefore anticipated to occur in the early morning and not at peak times for use of a rear garden. Moreover, the general scale of the gazebo is compliant with the design guidance for detached structures as set out by the House Extensions and Other Domestic Alterations SPD. The extent of any potential impact is also likely to be further reduced as the gazebo is open on all sides and screened by existing boundary vegetation. As such, it is not considered that the development would result in significantly increased levels of overshadowing. The proposal would also not result in increased overlooking and loss of privacy or reduced levels of outlook. This is considered to weigh significantly in favour of the development.

The proposal is therefore considered to comply with Local Plan Policy GD1: General Development and is acceptable regarding residential amenity.

Visual Amenity

The gazebo is set significantly below the street level of Ben Bank Road and does not appear as an overtly prominent or dominant feature in this street scene, nor does it detract from the existing street scene character. The gazebo is more readily visible from the public realm of a common access road between the development site and the rear curtilages of properties on Moorend Lane. However, the gazebo adopts a relatively modest scale, and the materials would contribute to a somewhat neutral appearance overall. This is considered to weigh moderately in favour of the development.

The proposal is therefore considered to comply with Local Plan Policy D1: High Quality Design and Placemaking and is acceptable regarding visual amenity.

Highway Safety

The proposed development would not be prejudicial to highway safety as existing off-street parking arrangements within the development site would be maintained. Whilst concerns have been raised

regarding the use of the gazebo for vehicle storage, the concerns appear to relate to an easement, which is a legal matter and not a material planning consideration.

The applicant has stated that they intend to use the gazebo to provide a covered seating and planting area during the summer with some flexibility to allow for the parking of a classic car in or on the land in this location during the winter. The use of this area of the plot for vehicular parking does not require planning permission, and as stated previously, issues pertaining to an easement is a legal matter.

Considering the above, this is considered to weigh modestly in favour of the development.

The proposal is therefore considered to comply with Local Plan Policy T4: New Development and Transport Safety and is acceptable regarding highway safety.

Planning Balance and Conclusion

Considering the assessment, the development is considered to be acceptable regarding residential and visual amenity and highway safety and therefore, this application is recommended for approval.

**Recommendation -
Approve with Conditions**