
Planning Appeal

Statement of Case

Mr & Mrs Roberts



WhiteAgus
PARTNERSHIP

Grounds of Appeal Statement

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1.0 Introduction

- 1.1 This statement is prepared in support of the appeal submitted on behalf of the appellant Mr Mrs Roberts in relation to the refusal of planning permission for proposals to raise the roof height and add dormer extension to no. 47 Bence Lane, Darton, Barnsley, S75 5PD.
- 1.2 This statement sets out the appellant's statement of case against the decision of Barnsley Metropolitan Borough Council as Local Planning Authority (LPA) to refuse planning permission under reference ref 2021/0902. The decision notice was dated 23rd August 2021.
- 1.3 There is a single reason for refusal listed on the decision notice. The reason for which is as follows:
 1. In the opinion of the Local Planning Authority the proposed increase in roof height and addition of front dormer window would make the host dwelling appear as an incongruous and dominant dwelling, inconsistent with the development pattern of the surrounding area. As a consequence, it would appear as an unduly intrusive feature when viewed in context with the neighbouring dwellings on Bence Lane. As such it is considered contrary to the Supplementary Planning Document House Extensions and Other domestic alterations, Policy D1: High Quality Design and Place Making of the Local Plan which states that 'development is expected to be of high-quality design' and the design standards set out in the NPPF.
- 1.4 A copy of the decision notice is included with the accompanying appeal documents.

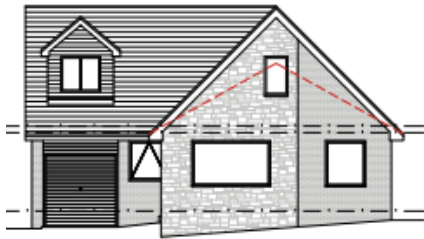
2.0 Description of the Appeal Site, Surroundings and Proposals

- 2.1 The appeal site relates to no. 47 Bence Lane, Darton which is a detached bungalow. The property is located on the southern side of Bence Lane to the west of the junction with Chedworth Close. The property is located within an established estate which is located to the south west of Darton Centre, a largely suburban area to the north West of Barnsley.
- 2.2 The property was constructed in the late 70's early 80's period, it is largely of brick construction but has a partial stone finish to the front elevation. The property occupies the middle plot within a row of 3 identical bungalows. The property is setback from the highway by approximately 10m, there is a highway verge separating the front boundary from the footway, and to the front of the property there is an established garden and parking area to from which a private driveway extends to a attached garage on the side (eastern) elevation. The property has a single storey extension to the rear. Boundaries are defined by either established hedgerows of wooden panelled fencing.
- 2.3 Bence Lane is wholly residential in character, the character of the street scene is best described as varied and includes a mixture of house types, this includes bungalows and two storey semi's and detached dwellings, there are numerous examples within the street scene of bungalows being sited immediately next to two storeys dwellings (see Google Street view images in section 3). Taken with a different age and design of properties the appearance and scale of dwellings is noticeably varied. Properties are constructed from either buff, brindle, red or orange-multi bricks and there are also examples of front facing dormer windows within roofs.
- 2.4 The dwelling has a relatively low profile roof. The application sought to extend this to utilise the roof space and provide additional and much needed family accommodation. The proposals sought to increase the ridge height of the property by approximately 1.73metres in height above the dwelling and garage, a front facing dormer window was proposed above the existing garage with a corresponding dormer to the rear. Further 1st floor windows would be included within the extended gable of the front and rear elevations at first floor level with 4 rooflights on the eastern(side) elevation and 6 rooflights on the western (side) elevation of the roof structure. The extension would provide for 2 bedrooms at first floor level and improved family accommodation at ground floor.

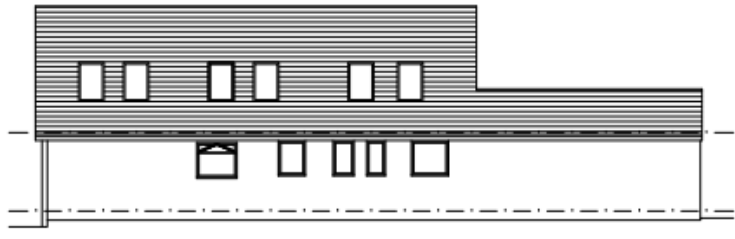
3.0 Local Area / Context



4.0 Proposed Plans



**PROPOSED
FRONT ELEVATION**
SCALE 1:100



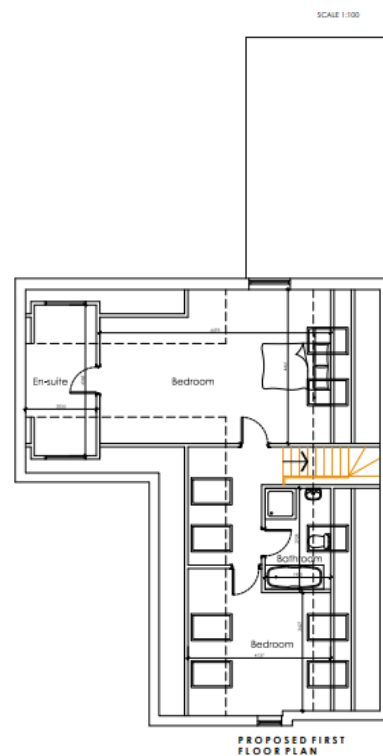
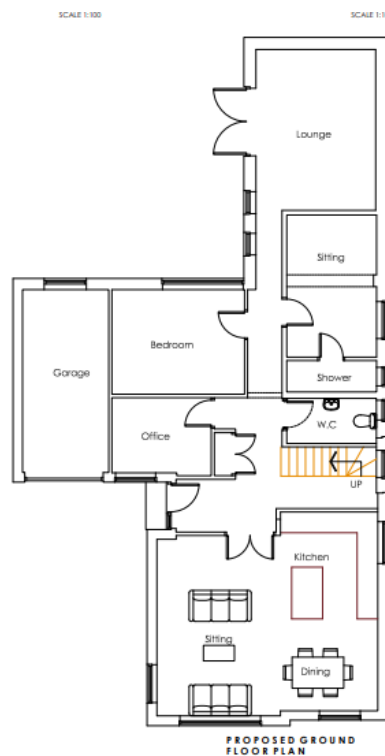
**PROPOSED
SIDE ELEVATION**
SCALE 1:100



**PROPOSED
REAR ELEVATION**
SCALE 1:100



**PROPOSED
SIDE ELEVATION**
SCALE 1:100



5.0 Relevant Planning Policies and Guidance

- 5.1 The development plan comprises of the Barnsley Local Plan adopted January 2019. The property is located within an area that is allocated as Urban Fabric.
- 5.2 The Local Plan identifies that Policy GD1 will be the starting point for making decisions on all areas of the Policies Map identified as Urban Fabric.
- 5.3 The application was refused with reference given in the decision notice to Local Plan Policies GD1 'General development', D1 'High Quality Design and Place Making', H4 'residential development on Small Non-Allocated Sites and T4 'New Development and Transport Safety'. Further to this reference to the Councils adopted Supplementary Planning Document Design of Housing Development' is also made. These policies along with others deemed relevant to the proposals are outlined below:
- 5.4 Policy GD1 General Development:-
- 5.5 Proposals for development will be approved if:
- There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;
 - They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;
 - They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;
 - They include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape;
 - Any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated; Adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas;
 - Any drains, culverts and other surface water bodies that may cross the site are considered;
 - Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;
 - Any pylons are considered in the layout; and
 - Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.
- 5.6 D1 – High Quality Design and Place Making. Design Principles:-
- 5.7 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, including:
- Landscape character, topography, green infrastructure assets, important habitats, woodlands and other natural features;

- Views and vistas to key buildings, landmarks, skylines and gateways; and Heritage and townscape character including the scale, layout, building styles and materials of the built form in the locality.

Through its layout and design development should:

- Contribute to place making and be of high quality, that contributes to a healthy, safe and sustainable environment;
- Complement and enhance the character and setting of distinctive places, including Barnsley Town Centre, Penistone, rural villages and Conservation Areas;
- Help to transform the character of physical environments that have become run down and are lacking in distinctiveness;
- Provide an accessible and inclusive environment for the users of individual buildings and surrounding spaces;
- Provide clear and obvious connections to the surrounding street and pedestrian network;
- Ensure ease of movement and legibility for all users, ensure overlooking of streets, spaces and pedestrian routes through the arrangement and orientation of buildings and the location of entrances;
- Promote safe, secure environments and access routes with priority for pedestrians and cyclists;
- Create clear distinctions between public and private spaces; Display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangement of materials, colours and details;
- Make the best use of high quality materials; Include a comprehensive and high quality scheme for hard and soft landscaping; and
- Provide high quality public realm.

5.8 **NPPF February 2021**

- 5.9 The National Planning Policy Framework (NPPF), came into force on 27 March 2012 and has been revised on several occasions the most recent being in July 2021. It is a material consideration in planning decisions. At the heart of the NPPF is a presumption in favour of sustainable development, and the policies, taken as a whole, constitute the Government's view on what sustainable development in England means in practice for the planning system.
- 5.10 There are three dimensions to sustainable development, which include an economic role (contributing to building a strong, responsive and competitive economy), a social role (providing the supply of housing required to meet the needs of present and future generations) and an environmental role (which includes minimising waste and pollution).
- 5.11 Permission should therefore 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.
- 5.12 Paragraph 120 (e) is of notable relevance, it identifies that decisions should; In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well

designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

5.13 Permitted Development Right for Extending Houses Upwards

5.14 Since 2020 Permitted Development rights have been applied to owners of residential dwellings. These rights allow dwellings to be extended in height. This is established within [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2020](#). These rights under Class AA of Part 1 of Schedule 2 permit the following (subject to prior approval)

1. Homeowners to extend their homes up by two storeys
2. Owners of a terraced or semi-detached house to add two storeys containing new flats on top of it
3. Owners of a detached house to add two storeys containing new flats on top of it

6.0 Matters of Acceptance

- 6.1 Following a review of the Planning Officer's report, the following points are made, which the appellant is in agreement with:
- 6.2 The appeal site lies squarely within the built-up limits of Darton which is within Urban Barnsley. The site is not within a Conservation Area or subject to any statutory designations.
- 6.3 The site falls within urban fabric as such, extensions to a domestic property are acceptable in principle provided that they remain subsidiary to the host dwelling, are of a scale and design which is appropriate to the host dwelling and are not detrimental to the amenity afforded to neighbours.
- 6.4 There were no objections raised within the technical consultations undertaken by the LPA during the assessment of the application.
- 6.5 There were no neighbour representations made on the application as a result of the LPA's notification.
- 6.6 The proposals would not give rise to an issues or concerns relevant to the residential amenity of neighbouring properties relevant to levels of privacy or outlook.
- 6.7 There will be no impact upon highway safety with the Councils recommended off-street parking levels being observed.
- 6.8 It is clear from the lack of reference within the decision notice that the it is only the front facing dormer window which the LPA have identified as having design concerns with.
- 6.9 It is only matters of visual amenity relevant to the scale and design of the proposal and the relationship of the dwelling to the street scene which the LPA has concerns with.

7.0 Case of the Appellant

- 7.1 In this part of the statement, the council's Planning Officer's Report and subsequent decision notice will be considered against local and national planning policy and guidance. It should be reiterated that the National Planning Policy Framework gives a clear steer to approving 'sustainable developments' where there is no significant harm or where identified harm can be made acceptable. The reasons for refusal is clearly weighted towards the visual impact of the proposals and the influenced upon the character of the street scene.
- 7.2 In considering the proposals it is considered that the main issues to be addressed is whether;
- i) the proposed increase in roof height and addition of a front dormer window would make the host dwelling appear as an incongruous and dominant dwelling, inconsistent with the development pattern of the surrounding area
 - ii) would appear as an unduly intrusive feature when viewed in context with the neighbouring dwellings on Bence Lane.
- 7.3 A point to be emphasised in consideration of the appeal is that National planning policy is clearly aligned to permitting the extension and alteration of existing dwellings to meet homeowners requirements. The 2020 amendments to Permitted Development rights under Part 1 (class AA) of Schedule 2 of the GPDO is significant to the consideration of the appeal, whilst the exercising of these rights is subject to a prior approval procedure it clearly establishes that the principle should otherwise be supported. The lack of any representations from neighbouring properties and the LPA's admittance to no demonstrable harm on neighbouring properties is also a material consideration when considering the proposals in the context of National planning Guidance and the Governments commitment to affording residents with greater flexibility to later their homes. The planning officers report appears to show no consideration to this.
- 7.4 In considering the merits of the appeal and the proposals presented the site is not within a Conservation Area which is subject to any Article 4 directions which would dictate more stringent criteria to be applied to proposals to alter and extend a domestic property. Also, as demonstrated by the imagery presented within section 3 of the statement Bence Lane and surrounding its streets support an eclectic mix of house types and styles. There are examples' of bungalows alongside two storey properties and of front facing dormer windows. This mixture of house types leads to a variation in roof heights and roofscapes along the highway, the residential environment has not suffered by these differences, rather the variance provides interest to the general character and also makes is more susceptible to further changes.
- 7.5 The LPA's assertion that the alterations would form an incongruous feature within the street scene is considered to lack sufficient conviction or understanding to local context. Reading from the Planning Officers report, it would appear that the basis of this judgement has been made in a very localised context, having regard to the influence of the proposals on the two identical (detached) bungalows that the appeal property is situated between only. It must firstly be appreciated that the extended property would maintain a wholly domestic appearance and by virtue of this would not be incongruous to its environment. Contrary to the LPA's opinion on the significance of the proposals, weight should be given to the established precedents within the street scene, which comprises of varied house types and

roofscapes. With this in mind, the design being otherwise acceptable i.e. traditional in form (i.e. not a contemporary departure) and the streetscape not being uniformed in appearance it seems unreasonable to raise such an objection.

- 7.6 The application sought to raise the roof height by approximately 1.73m in the context of the potential 2 storeys allowed by the extended permitted development rights this is not significant. In terms of the street scene the fact that the property is detached is favourable to the consideration of the appeal. In addition to this, the fact that the apex of the roof runs along a north / south axis dictates that in the main it would be an extended front gable presented to the street with the main weight/scale of the roof presented to the side elevations not within public view. Whilst the roof would also be extended above the garage, given the setback from which this would be seen it is not considered that it would appear unduly dominant in the context of the properties appearance in the street scene.
- 7.7 With reference to the front facing dormer window raised within the reason for refusal this would not present a dominant feature to the street scene. Firstly the design and form would be subservient and follow the LPAs own SPD guidance, in that, it would align vertically in its position and be constructed from materials to match the roof. More importantly it would be positioned above the garage and therefore setback 6m (approx) from the properties front elevation, and some 15m from the highway boundary. In practice any public views of the dormer would be limited to a position directly in front of the property or a fleeting glimpse on the eastern approach past the property.
- 7.8 In considering the merits presented above it is concluded that the relationship to the street scene and neighbouring properties would be acceptable. The detached nature of the property is significant to the acceptance of the proposals. The wider street scene is sufficiently varied to be able to accommodate the proposals without any detriment to local character or public amenity. The design which is practical to the constraints of the dwelling giving it an appearance which is accepting. Whilst the property may stand marginally larger than its direct neighbours this would not result in harm to their setting.
- 7.9 Finally, in considering the appeal it is asked that consideration is given to the applicants circumstances. The demands of the applicants family and home working arrangements require a need for additional accommodation. The roof alterations presents the most practical and cost effective way of extending their property to address these family requirements. The extension would allow them to continue to reside at the property within the community which the applicant has established ties to and whose neighbouring residents have not objected to the proposals.

8.0 Conclusion

- 8.1 It is considered that the proposal conforms with the NPPF's principles on sustainable development and BMBC's Local Plan requirements. In summary;
- The principle of enlarging properties by additional storeys (roof alterations) is firmly established under the amendments to Part 1 of Schedule 2 of the GPDO (2020) this is highly relevant to the acceptance of the proposals;
 - There were no 3rd party representations objecting to the proposals;
 - The property is not in a Conservation Area or subject to an Article 4 Direction;
 - The character of Bence Lane is varied in house types of differing design and scales which sit in harmony alongside one another, the proposals would not be substantially different to the established character of the locality;
 - The detached nature of the property allows for greater flexibility to accommodate the extension as per the requirements of the LPA's adopted SPD;
 - The setback of the dormer window from the front elevation reduces its dominance and overall appearance within the street scene appearing subservient to the host property;
 - The identified materials and design would successfully harmonise with the host property and assimilate into the street scene;
 - The extension as proposed represents the most effective means of meeting the applicants family housing requirements and keeping construction to minimum; and,
 - The proposals preserve the character and appearance of the host dwelling and surrounding area in compliance with Local Plan policy D1 and the objectives of the SPD.
- 8.2 It is the opinion that the assessment and subsequent decision issued Local Planning Authority is unreasonable. The proposals would only add a modest variance to the established character of the street scene. It is deemed that the existing character, housing mix and house types along Bence Lane is sufficiently varied to justify acceptance of the proposals as per the requirements of the adopted SPD. The LPA's decision is considered to be an exaggeration of the impact of the proposals when factoring in the established local precedents as well as the practical and considered design merits of the proposed alterations. As such it is hoped that the appointed Inspector agrees that there is no justifiable planning reason to withhold the grant of planning permission.
- 8.3 In accordance with the NPPF, in the absence of any adverse impacts which would significantly and demonstrably outweigh the benefits of the proposals the Planning Inspector is respectfully asked to allow the appeal.