

Application Reference: 2026/0015

Site Address: 99 Newland Avenue, Cudworth, Barnsley, S72 8XB

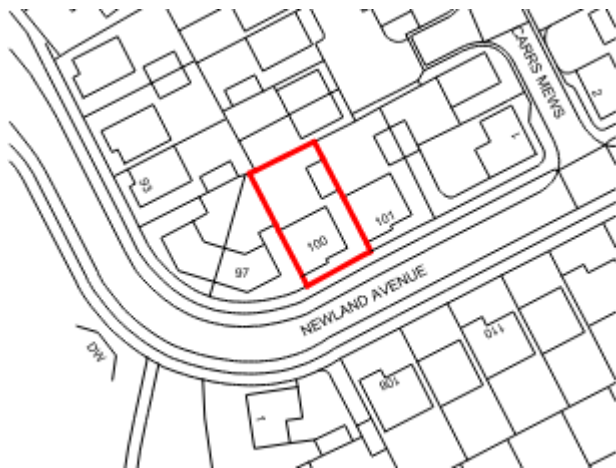
Introduction:

This application seeks full planning permission for the installation of air source heat pump to rear of the dwelling and retrospective approval of cooling and heating air conditioning unit on side elevation of dwelling and side elevation of detached garage (amended description)

Relevant Site Characteristics:

The dwelling is a buff brick, detached house with a detached garage located towards the northeast corner of the rear garden. A driveway passes its eastern side elevation, into the rear garden, whilst the front garden is open plan.

Location Plan (map error acknowledged)



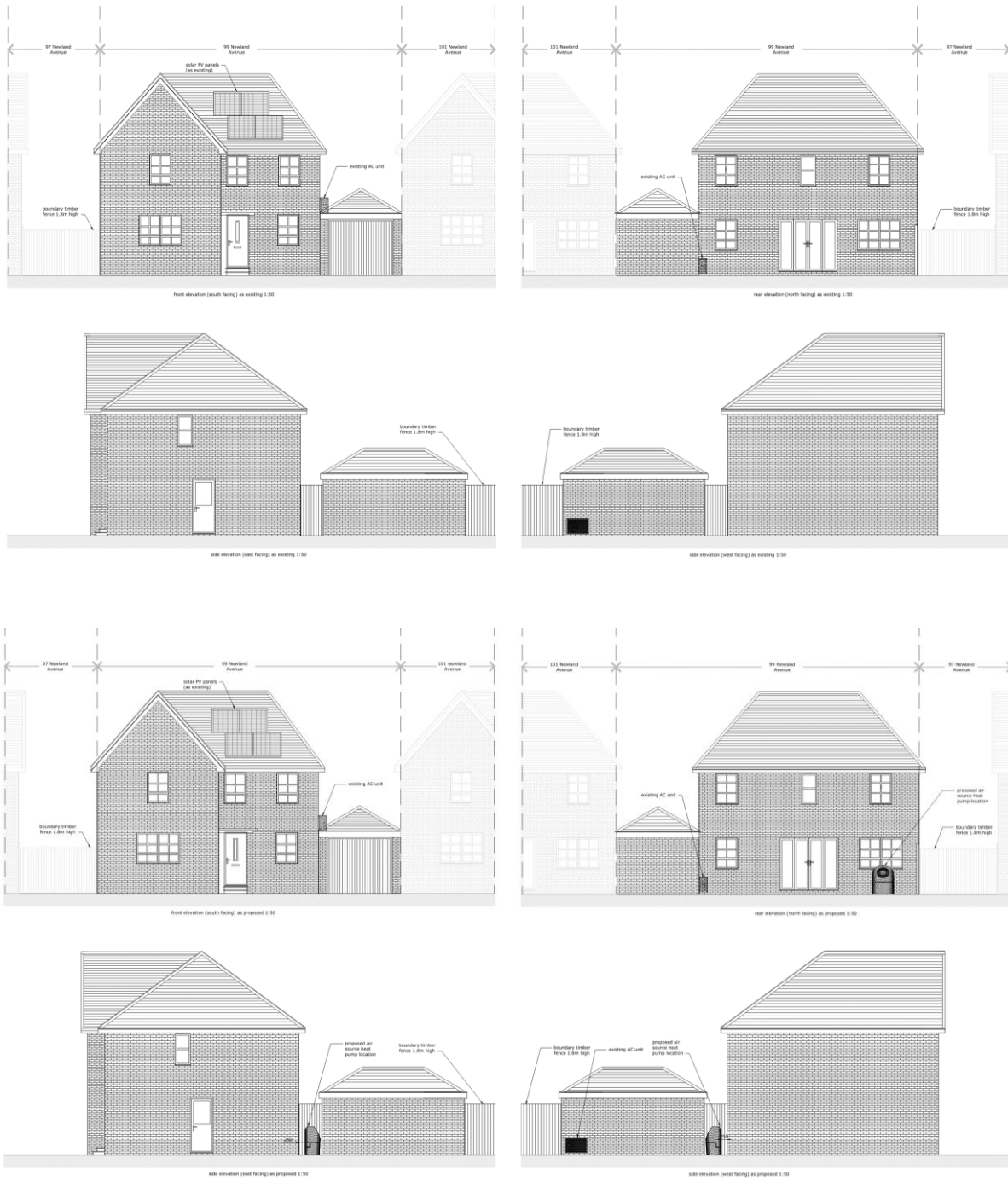
Site History

There is no specific site history for this address since its approval within application 2017/0577 for the whole housing estate.

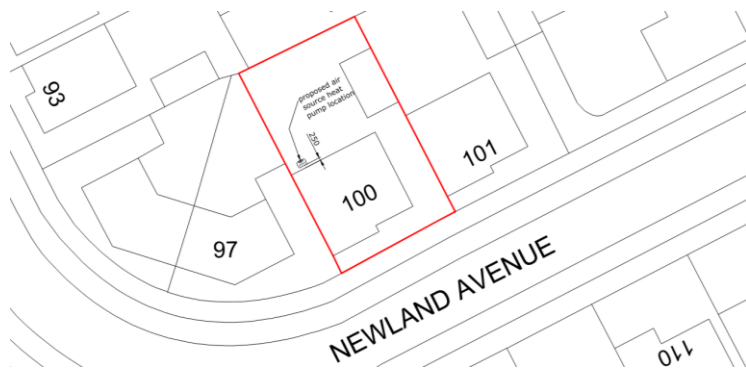
Detailed Description of Proposed Works

The amended proposal seeks approval for the installation of an air source heat pump on the rear elevation of the dwelling, and retrospective approval for the installation two cooling and heating air conditioning units. One air conditioning unit is installed on the eastern side elevation of the dwelling, and on the other on the western side elevation of the detached garage.

Existing and Proposed Elevations



Proposed Site Plan



Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering 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. The next review is due to take place in 2027, or earlier, if circumstances require it.

The following Local Plan policies are relevant in this case:

- Policy SD1: Presumption in favour of Sustainable Development.
- Policy D1: High Quality Design and Place Making.
- Policy GD1: General Development.
- Policy POLL1: Pollution Control and Protection.
- Policy T4: New Development and Transport Safety

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The most relevant sections are:

Section 2 - Achieving sustainable development

Section 4 - Decision making

Section 12 - Achieving well-designed places

Section 14. Meeting the challenge of climate change, flooding and coastal change

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

Supplementary Planning Guidance

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The most pertinent SPD's in this case are:

- House extensions and other domestic alterations
- Parking

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

Consultations

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015. Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website.

No public comments were received.

Pollution Control: It was highlighted that the proposals may have the potential for 'an adverse impact on health and the quality of life of those living and/or working in the locality regarding pollution'. However, there was no objection to the proposals but a recommendation for approval subject to recommended condition in relation to maximum noise levels.

Planning 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

The site falls within Urban Fabric. Extensions and alterations 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 property and are not detrimental to the amenity afforded to adjacent properties.

Scale, Design and Impact on the Character

The existing air conditioning unit (providing heating and cooling), installed on the eastern side elevation of the dwelling can be seen from the broader street scene, however in mitigation of any negative impact is that the size of the unit, at approximately 0.1.32 cubic meters is not excessively large and is partially overshadowed by the adjacent dwelling. Therefore, any visual impact would only be considered as modest.

With the existing air conditioning unit (heating and cooling) installed on the side elevation of the garage sharing the same dimensions as the first, there would be little or no impact on the design and character of the dwelling as it would principally only be seen from with the applicant's own garden, and possibly neighbouring gardens.

In a similar manner to the existing air conditioning unit attached to the detached garage, the proposed air source heat pump, although larger in scale, at approximately 0.57 cubic meters would again have little or no impact upon the design and character of the dwelling, given its location on the rear elevation. Exclusively in terms of scale, the heat pump would be comparable to other items allowable within a rear garden, such as a water butt which may also be attached to (the drains) of a house.

With only a modest impact on design and character from one of the existing air conditioning units, and little or no impact from the second air conditioning unit and proposed heat pump; the proposal would be compliant with local policy GD1 and D1. This carries moderate weight in favour of the proposal.

Impact on Neighbouring Amenity

It was acknowledged by Pollution Control that the proposal had the potential to cause harm to the amenity of neighbouring dwellings but through adherence with the specified condition, this potential impact on could be mitigated. With this mitigation in place, it would be expected that any impact would be limited.

The first existing air-conditioning unit is installed between the side elevation of the application dwelling and the blank brick elevation of the neighbouring dwelling of No101. With no windows or doors on the neighbouring elevation, any noise impact from this unit should not impact No101. With the second air conditioning unit on the side elevation of the detached garage, located in the applicant's rear garden, should also not have a limited noise impact, given the location away from neighbouring dwellings.

The proposed Air Source Heat Pump is located on the rear elevation of the dwelling, towards the western boundary with No97, approximately 90cm from the boundary and over 4m from the side elevation of No97, although set around 80cm back from the rear elevation of No97.

With no objection from Pollution Control, subject to meeting the conditions, and the units potentially being allowed individually through Permitted development rights, although planning consent would be required for three units, the units would individually and together would not be deemed to have a negative impact on neighbouring amenity of the adjacent or nearby dwellings within the estate.

The proposal would be considered in accordance with Local Policy GD1 which carries moderate weight in favour of the proposal.

Highways

None of the existing or proposed air conditioning or heat pump units would negatively impact upon access or parking provision. As such, there would be no impact on Highway Safety.

Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to necessary conditions. Under the provisions of the NPPF, the application is considered to be a sustainable form of development and is therefore recommended for approval.

RECOMMENDATION: Approve subject to conditions

Justification

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- The air conditioning units which were installed required planning consent as they were installed before new legislation which may have allowed them without planning consent, was introduced. The new legislation also does not apply retrospectively.
- The air conditioning units were therefore added to the application, with an amended description and new consultation undertaken.

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

Conditions and Informative

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out strictly in accordance with plans and specifications as approved unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

3. The rating level (LA_{rTr}) of the noise emitted from the proposed development shall not exceed the existing background noise level (LA_{90T}). The rating level shall be determined by measurement or calculation at the boundary of the nearest noise sensitive premises or at another location that is agreed with the Local Planning Authority.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1

Informatives

1. The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner. If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.
2. It is recommended that measures are taken to prevent a nuisance/ or effect the quality of life of local residents. Please note that the Council's Pollution Control Team have a legal duty to investigate any complaints about noise, smoke or dust. No waste should be burnt. If a statutory nuisance is found to exist, they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Magistrates' Court. It is therefore recommended that you give serious consideration to the steps that may be required to prevent a noise, dust or smoke nuisance from being created.