

2024/0924

Ms Jean Haigh

Land adjacent 95 Cumberland Drive, Ardsley, Barnsley, S71 5DF

Erection of detached bungalow and associated works (custom/self-build)

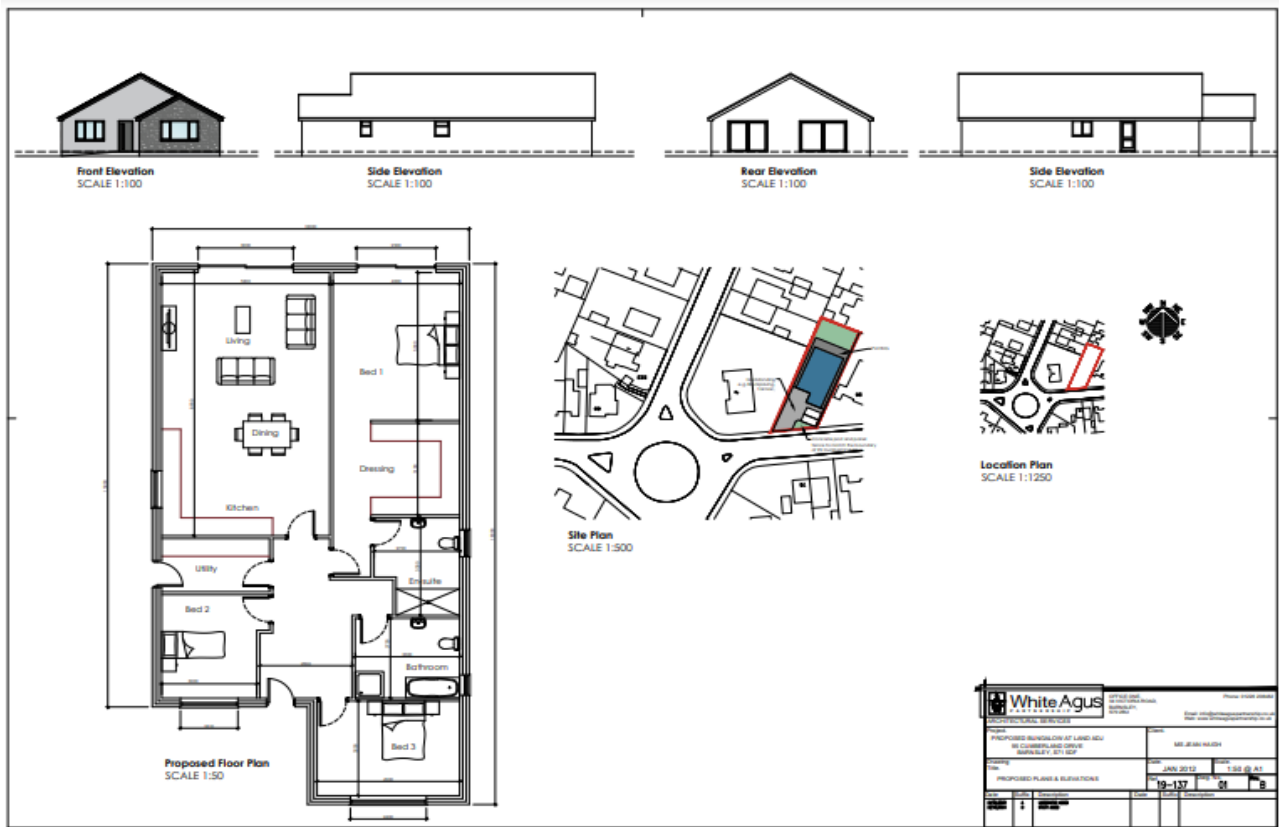
Site Description

The site is an infill plot located on Cumberland Drive in Ardsley. The plot is located in between 95 Cumberland Drive and 2 Penrhyn Walk and fronts directly onto the highway. The plot is a vacant piece of land. The site was previously developed however, any property that had stood has since been demolished, with the site operating as informal green space. Access to the site is taken from Cumberland Drive. The area is pre-dominantly residential and features a mixture of two storey detached properties and bungalows, with some of the larger dwellings having dormer windows.

Planning History

2020/0041 - Erection of detached bungalow and associated works (Approved with Conditions)

Proposed Development



The applicant is seeking approval for the erection of a pitched roof detached bungalow. A combined kitchen/dining/living room, three bedrooms and a bathroom are proposed internally. The dwelling has a length of 18.3 metres and a width of 10 metres. The dwelling has a ridge height of 5.6 metres and an eaves height of 2.4 metres. The materials used for the dwelling will off white render and slate effect stone coursing with slate effect roof tiles. To the front of the dwelling is an area of hard standing to provide off-street parking, with a garden area proposed to the rear.

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 Local Plan was adopted in January 2019 and is also now 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 and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting on 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.

Local Plan Allocation – Urban Fabric

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). In reference to this application, the following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

Policy GD1: General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

Policy D1: High quality design and place making – Development is expected to be of a high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

Policy H4: Residential Development on Small Non-Allocated Sites – Proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with other relevant policies.

Policy H6: Housing Mix and Efficient use of land – Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population. Proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

Policy Poll1: Pollution Control and Protection – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

Policy BIO1: Biodiversity and Geodiversity – Development will be expected to conserve and enhance the biodiversity and geological features of the borough.

Policy T3: New Development and Sustainable Travel – New Development will be expected to:

- Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists.
- Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document.

Policy T4: New Development and Transport Safety – New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

Supplementary Planning Documents

The proposals have been considered in relation to the following SPD's:-

- Biodiversity and Geodiversity
- Design of Housing Development
- House extensions and Other Domestic Alterations
- Parking

Other Guidance

South Yorkshire Residential Design Guidance

National Planning Policy Framework

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

Consultations

The LPA's Forestry Officer was consulted and raised no objections.

Highways Development Control (DC) were consulted and raised no objections subject to conditions.

Highways Drainage were consulted and raised no objections.

The Mining Remediation Authority were consulted and raised no objections.

Stairfoot Ward Councillors were consulted and raised no objections.

The South Yorkshire Mining Advisory Service were consulted and raised no objections.

Representations

Neighbour notification letters were sent to surrounding properties and a site notice placed in the vicinity of the site, two objections were received and in summary raised the following material planning considerations.

- It states in the report that there are no trees on this land, but this land is an allotment, and it is full of trees, plants and a greenhouse.
- The coal mining report, which was dated October 2024, when looking at the drill logs the address that is on that report is not the address that the application is attached to. The address that is on the report is 93 Cumberland Avenue.
- The bungalow that was there many years ago was taken down due to subsidence. Neighbours and I were not able to build at the back of our properties due to the subsidence.
- I have taken photographs of my property on how it looks today so if there are any issues like cracks starting to appear when the building work starts and if my property starts moving, I want it to be noted in this report.

It is noted that there are existing trees on site however the Forestry Officer has raised no objections and there are no TPO trees on the site. The clearance of the site can be undertaken by the owner of the land without planning permission. Issues regarding coal mining will be addressed in the other matters section of the assessment.

Additionally, the following points which are not material planning considerations were raised.

- The proposed address for this bungalow is 95 Cumberland Drive which is the same address as mine. Post has been received for the new address but there is no building there.
- The applicant explained this bungalow was being built and that the plans had changed from the previous permission to include a garage however on the plans there is no garage. If a garage does appear it was not on the plans.

With regards the new address this would not be no.95 as that is an existing address however the choice of the new address is not part of the planning application process and is dealt with separately at a later stage. Additionally, any approval would be conditioned to be built in line with the submitted plans for this application which don't show a garage. Furthermore, permitted development rights were removed from the previous permission and will be again should the application be approved.

Assessment

The main issues for consideration are as follows:

- The acceptability of residential development
- The impact on the character of the area
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards
- The impact on biodiversity

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

Firstly, it must be noted that a previous planning permission has been granted for this site (2020/0041) and whilst not implemented, it established the principle of a residential dwelling on this plot with respect to the Local Plan. This weighs considerably in favour of the proposal.

The site is located within an area of Urban Fabric where Local Plan Policies GD1 'General Development' and H4 'Residential Development on Small Non-allocated Sites' apply. These require that development should be compatible with its surroundings and in this case the street scene is largely residential, as such the use of this site for residential use would be in keeping with the locality. This weighs considerably in favour of the proposal.

In addition to the above, all new dwellings must ensure that living conditions and overall standards of residential amenity are provided for or maintained to an acceptable level both for new residents and those existing. Also, development will only be granted where it would maintain visual amenity and not create traffic problems or reduce highway safety.

Visual Amenity

The street scene consists of a mix of dwelling types consisting of semi-detached one and a half storey dwellings and detached bungalows however the immediately adjacent properties are mainly bungalows as such development on this site should relate to these adjacent properties. The proposal involves the erection of a detached single storey dwelling with a pitched roof. In terms of materials the street scene features a range of materials including brick, artificial stone, render and cladding. The proposed materials whilst featuring more render, will be similar enough to the appearance of the adjacent bungalows. This weighs moderately in favour of the proposal.

The siting of the dwelling is acceptable, and it is set in line with the adjacent bungalow to the east. The outlier with regards siting would be the adjacent bungalow to the west which is rotated due to being on a corner plot. With regards the impact on the wider street scene there are no anomalous features on the proposed dwelling. The proposed design and materials are deemed sympathetic to the street scene, and it would not have a negative impact. The proposed dwelling is reflective of the development pattern of the area, but with a more modern materials palette. Precise details of the proposed materials have not been provided; however, these can be secured via a condition. The proposal is of a similar scale and massing to the other bungalows, as such it will not become a dominant feature within the street scene and there is harmonisation with neighbouring properties to some extent. This weighs moderately in favour of the proposal.

Landscaping and boundary treatments are not indicated on the submitted site plan and will therefore be dealt with via conditions. This has limited weight against the proposal. On the whole the development is acceptable in terms of visual amenity and impact upon the street scene in accordance with the SPD Design of Housing Development and policy D1 of the Local Plan.

Residential Amenity

The proposal involves the erection of a new detached dwelling. Other residential properties are adjacent and most notably to the northeast (1 Keswick Walk), east (95 Cumberland Drive), south (76 & 78 Cumberland drive), west (2 Penrhyn Walk) and northwest (6 & 8 Penrhyn Walk). Therefore, the impact upon the residential amenity of these properties is an important consideration. The site was previously developed land, which is visibly in the guise of residential curtilage, therefore the use of the site for residential purposes is in keeping with the adjacent uses.

In terms of external spacing standards and overlooking, the SPD Design of Housing Development states that a minimum of 21 metres should be achieved between facing habitable room windows, and 12 metres should be maintained between habitable room windows and a blank side elevation.

No habitable room windows will face the adjacent dwellings to the east, west and northwest as the main habitable room windows are located on the front and rear elevations. Habitable room windows will face the adjacent dwellings to the northeast and south. The dwelling to the northeast is single storey and separated by the proposed rear garden area. A distance of approximately 10.25 metres is maintained to a side elevation which is predominately an attached garage and can be obscured by boundary screening to therefore be acceptable. Additionally, due to 1 Keswick Walk being built up to the boundary line a distance of 10 metres is also maintained to the rear boundary of the site.

The dwellings to the south are one and a half storey and separated by the highway and a distance of approximately 25 metres is maintained their front elevations. Therefore, the separation distances to these properties are acceptable which weighs significantly in favour of the proposal.

The proposal should not cause any significant overshadowing or be overbearing to any neighbouring dwelling however the proposed dwelling would be located within close proximity to, and directly to the West of, 95 Cumberland Drive. However, it would be adjacent to the neighbouring side and be sited slightly forward of the building line of the adjacent dwelling; and not projecting beyond the existing rear elevation on the neighbouring property. As such, the proposal would not significantly increase overshadowing or result in an overbearing feature.

Any overshadowing would occur toward the end of the day. Whilst the dwelling has a large footprint, it is not excessive in scale, with separation between the side elevations. Additionally, although the proposed dwelling it is set to the south of a neighbouring dwellings (1 Keswick Walk, 6 & 8 Penrhyn Walk) all the dwellings including the proposed are single storey which limits the impact.

The rear elevation of the dwelling to the West, 2 Penrhyn Walk, is located approximately 12 metres from the boundary with the development site. Although this property has been extended, with a rear window located close to the front of the site, it serves a secondary utility room rather than living space. As such privacy will be maintained to a reasonable degree due to screening that can be installed and the side elevation of the proposed dwelling that will be looked onto. This weighs modestly in favour of the proposal.

The proposed dwelling has been designed with adequate room sizes and external amenity space of over 100sqm which is in compliance with the standards set within the SPD and the SYRDG. The proposal is considered to be acceptable in terms of residential amenity in accordance with the SPD Design of Housing Development and Local Plan Policy GD1.

Highway Safety

There will be no impact upon highway safety. The proposals in relation to highways matters remain unchanged from those approved under the now lapsed permission 2020/0041. There have been no changes from a highways point of view since the time of the previous granting of permission, as such, there are no objections from a highway's perspective which weighs considerably in favour of the proposal.

Biodiversity Considerations

Local Plan Policy BIO1 states that development will be expected to conserve and enhance the biodiversity and geodiversity features by protecting and improving habitats; maximising biodiversity opportunities in and around new developments and encouraging provision of biodiversity enhancements.

Biodiversity Net Gain (BNG) became mandatory for all applications in April 2024 except where one of the exemptions (as set out in the PPG) are met. The PPG states that self-build and custom self-build applications are exempt and therefore a +10% net gain in biodiversity is not required in this instance. Nevertheless, the mandatory BNG conditions still apply, and the onus is on the applicant to appropriately discharge these conditions and demonstrate which exemption is met.

However, the standard biodiversity policies included in the adopted development plan are still relevant including the requirement for all new dwellings to include integrated bat and bird boxes as set out in the adopted Biodiversity and Geodiversity SPD. A condition has therefore been attached to this effect which requires details to be submitted prior to any above ground works. Overall, the biodiversity impacts weigh in moderate favour.

Other Matters

The applicant has submitted a third-party coal mining risk assessment and site investigation report by Lyons CMC which presents the results of a ground investigation. The site investigation report concludes coal mining legacy risks at the site are low as no evidence of opencast fill/excavations was found. The report indicates traditional foundation designs are appropriate subject to building regulation compliance. The Mining Remediation Authority and the South Yorkshire Mining Advisory Service have raised no objections to the proposal which weighs in moderate favour.

It is noted that the proposal would occupy a piece of informal greenspace that may have been used as a private allotment. However, this site is not included on the greenspace register for the area and is not a piece of public open space. As such, no compensation would be required for its loss.

Conclusion

Having balanced all material planning considerations, whilst objections have been received in respect to the proposal, they largely cannot be taken into account due to being civil matters or addressed by the relevant consultees. The proposed dwelling is akin to the previously approved permission, and as such will not be significantly harmful to residential and visual amenity. As a consequence, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations. The proposal is therefore, on balance, recommended for approval.

Recommendation

Approve with conditions