

2023/0605

Mr Pete Lane

Finlandia, 23 Cone Lane, Silkstone Common, Barnsley, S75 4PU

Demolition of existing dwelling and erection of new dwelling (Part Retrospective)

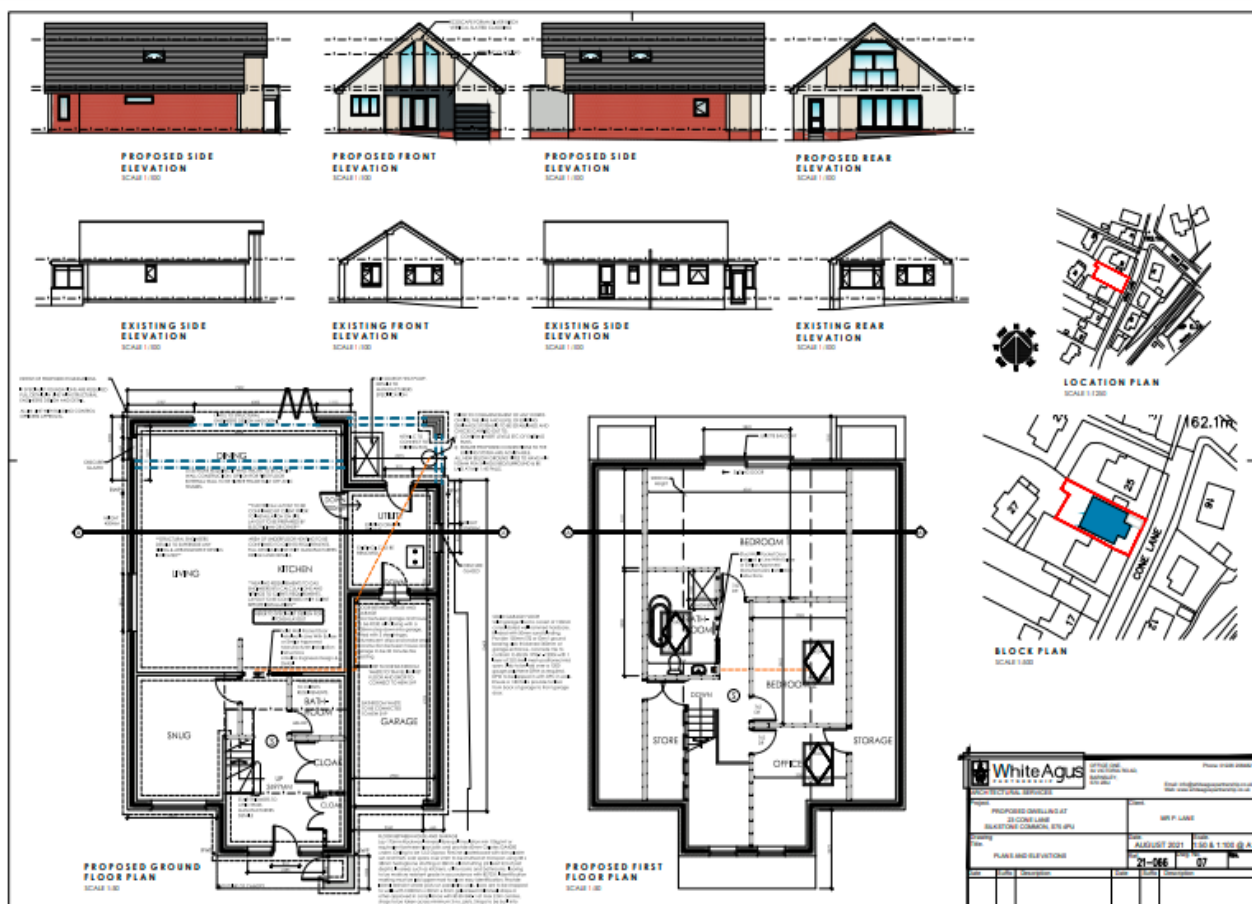
Site Description

The site was formerly a detached bungalow that has since been demolished whilst attempting to implement planning permission (2022/0287) for an upwards extension. Cone Lane has a mixed residential street scene featuring a variety of dwelling types and materials used.

Planning History

2022/0287 - Extensions and alterations to existing dwelling (Approved with Conditions)

Proposed Development



The applicant is seeking approval for the demolition of the existing bungalow and the erection of a two-storey dwelling. The plans submitted are identical to the plans approved under application 2022/0287, which proposed a first-floor extension to create a two-storey dwelling, side extension and other modifications, however the applicant now wishes to demolish the existing dwelling rather than add extensions/alterations to it.

The dwelling put forward is a detached modern two storey property with large areas of glazing to the front and rear. The previous dwelling had a ridge height of 5.05 meters, which is to be increased by 1.9 meters to a proposed ridge height of 6.95 meters. The previous dwelling had an eaves height of 2.35 meters, which is to be increased by 0.1 meters at the highest point to a proposed eaves height of 2.45 meters. The dwelling will have a length at two-storey level of 13.8 meters and a width of 10.35 meters.

Other additions from the previous dwelling include a rear extension which will project 2 meters from the rear elevation. The extension will span the full width of the dwelling. The extension will feature a pitched roof following the form of the proposed roof outlined above. The extension will feature a Juliet balcony to the rear. The materials used will be red brickwork and roof tiles as well as off-white render and silver birch cladding on the front and rear elevations.

Also, a side extension will project 2.95 meters from the side (northeast) elevation with a width of 10.4 meters. The extension will feature a pitched roof to tie into the proposed roof. The materials used will be red brickwork and roof tiles as well as off-white render. Finally, a front extension will project 1 meter from the front elevation. The extension has a width of 4.5 meters. The extension will feature a flat roof with a total height of 2.9 meters. The materials used will be aluminium cladding.

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:

GD1 - General Development
H1 - The Number of New Homes to be Built
H4 - Residential Development on Small Non-allocated Sites
H9 - Protection of Existing Larger Dwellings
LG2 - The Location of Growth
T3 - New Development and Sustainable Travel
T4 - New development and Transport Safety
SD1 - Presumption in Favour of Sustainable Development
CC1 - Climate Change
CC4 - Sustainable Drainage Systems (SuDS)
D1 - High Quality Design and Place Making
Poll1 - Pollution Control and Protection
BIO1 - Biodiversity and Geodiversity

Supplementary Planning Documents

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

- Design of housing development
- Parking
- Sustainable Travel

Other Guidance

South Yorkshire Residential Design

National Planning Policy Framework

The National Planning Policy Framework sets out the Governments 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 Coal Authority were 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.

Planning Enforcement were consulted and raised no objections.

Penistone East Ward Councillors were consulted and raised no objections.

Pollution Control were consulted and raised no objections subject to conditions.

Silkstone Parish Council were consulted and raised no objections.

South Yorkshire Mining Advisory Service (SYMAS) were consulted and raised no objections.

Yorkshire Water were consulted and raised no objections.

Representations

Neighbour notification letters were sent to surrounding properties, two comments were received and in summary raised the following points:

Comment one:

- Looking at the plans on the website, they appear to be the original ones. I thought there was a revised plan in the light of comments previously received, particularly regarding the balcony at the rear of the property.

Comment two:

- There will be overbearing and overshadowing of our existing property & garden which we believe to be in breach of the 45-degree rule. This will particularly affect the kitchen-living-dining room where there will be significant loss of sunlight as the side elevation of the new building will be approximately four metres from the side window. This effect is intensified because the side elevation will move closer to our habitable space and be elevated. This will be exacerbated by the increase in height of 23 Cone Lane due to the addition of a storey.
- Due to the slope of the hill 23 Cone Lane sits at least 600mm above our property. The plans provided do not provide details of the height of the proposed house, or how much taller the house will be. Provision of detailed drawings, including neighbouring properties, would help us to better understand the expected negative impact of this increase in height.
- Whilst obscured glass is proposed for the utility room in the side elevation bordering our property, this window looks directly into our kitchen-living room-dining room window at a close distance. Due to the proximity to the boundary an open window is likely to extend into our garden. Both of these issues will have an adverse effect on our privacy.
- The distance between the boundary between 23 and 25 Cone Lane is not stated on the drawings provided. On the previously submitted plans the distance was stated to be 315mm, though I note the section of the house marked 'dining' has since increased in width. This section of the proposed building immediately borders a mature beech hedge we are keen to preserve to maintain privacy and for visual and ecological value. Can assurances be offered that the building will seek to avoid damage to the root system and will not threaten the viability of the hedge which is an important feature of our garden and property.
- The size of the proposed building on the existing plot leaves a small rear garden, and our privacy is likely to be adversely affected. The position of first-floor rear windows on 23 Cone Lane has a direct view into our garden.
- No detail on front landscaping is provided. It is unclear how many front parking spaces are being introduced. This is pertinent as the garage dimensions appear small.
- Will the traffic calming bollard situated on the road outside 23 Cone Lane be preserved. There are safety concerns due to the blind corner turning into Cone Lane. Passing parked cars close to this blind corner is hazardous as it requires drivers to move into the potential path of oncoming traffic. Removal of the traffic calming bollard, and/or increased on-street parking, would increase this risk further and increase the risk to pedestrians.
- What are the plans for the existing drains and sewers. How will the proposed development affect our shared sewers. The extension will sit over shared pipework and are not aware of the outcome of any exploration of the drains answered since 23 Cone Lane was demolished.
- Due to the proximity of residential properties, we seek assurance that the owners will make available information on risk assessment for drilling of boreholes, and any potential risk to residents. We also seek there is a clear plan for sealing of boreholes.

Assessment

Principle of Development

The site is allocated as Urban Fabric where Local Plan Policies GD1 'General Development' and H4 'Residential Development on Small Non-allocated Sites' apply. These policies require that development should be compatible with its surroundings. and in this case, the street is predominantly residential, and the proposal is for one replacement dwelling which is acceptable in principle.

Residential Amenity

The Supplementary Planning Document 'Design of Housing Development' provides guidance in terms of separation distances and other amenity requirements, in order to ensure that any new development does not cause significant impact by way of overlooking, overbearing and overshadowing of existing dwellings and their private gardens. Further detailed guidance on residential development is provided in the South Yorkshire Residential Design Guide. The Guide includes information requirements, design guidelines and technical requirements.

The earlier householder planning application for proposed extensions to the dwelling have identical plans to the ones submitted with this scheme (2022/0287) and has therefore already established the principle of the development. The applicant now wishes to demolish the dwelling rather than add extensions to it which is acceptable. The previous dwelling with the approved extensions met the Council's guidelines in terms of privacy requirements and separation distances to other dwellings.

The overall size and scale of the proposed dwelling is larger than the previous, however given that one of the adjacent dwellings (21 Cone Lane) is also two-storey, it would not cause significant harm in terms of overshadowing or being overbearing to that dwelling. This dwelling is within the common building line and has rooms in the roof space. With regards the other adjacent dwelling (25 Cone Lane) the windows on the side elevation of this dwelling previously had some loss of outlook due to the arrangement of the previous and still existing garages. The potential for overshadowing will occur over the roof of the property and not be significantly impactful to habitable room windows especially those on the front elevation.

The dwellings set to the rear are bungalows. Usually, a distance of 21 meters should be retained between habitable room windows on properties however given the existence of the previous dwelling that was assessed as on the guidance that *"10m should normally be provided between rear-facing windows in the first floor (and above) and the rear boundary"*. In this case the distance is approximately 8 meters with 10 meters achieved towards the north of the site.

This recommendation is to protect overlooking of private amenity space however, the situation is different in this instance as the property to the rear (27 Cone Lane) is accessed by a private drive which wraps around the back of the site so the proposed rear elevation would face the dwelling's front/side elevation over a private road. The windows at first floor level would therefore not directly face onto the dwelling's private rear amenity area and would be more akin to a situation of properties facing across a road rather than a situation where back gardens adjoin each other. Also, the bulk of 27 Cone Lane is behind 21 Cone Lane rather than proposed dwelling.

Therefore, although the recommendation distances can't be met it must be noted that the principle of development has already been established by application 2022/0287 to which the proposal is akin to. Leaving the plot empty is not a feasible option and would degrade the visual amenity of the area so although there will be some impact to the neighbouring properties it is not deemed significantly harmful to the residential amenity of those properties.

In terms of overlooking, the proposed roof lights and slot windows proposed on the side elevations of the dwelling are small in scale and would not cause significant overlooking as they would predominantly overlook the side elevations of the neighbouring dwellings instead of any private amenity space. The proposed first floor windows on the rear elevation should not cause significant overlooking of properties to the rear. Normally, balconies can cause significant overlooking into the private amenity space of neighbouring dwellings however, the proposed balcony is a Juliet balcony therefore limiting the impact of any potential overlooking similar to the presence of a rear window. As such, there is unlikely to be any detrimental levels of overlooking onto neighbouring dwellings from the balcony. Given the above, the proposal is therefore considered to be acceptable in terms of residential amenity in compliance with Local Plan Policy GD1: General Development.

Visual Amenity

Local Plan Policy D1 High Quality Design and Place Making, sets out the principles that will apply to the consideration of planning applications for new housing development, including conversions, infill and backland development. Cone Lane has a varied street scene of single storey and two storey dwellings, with the applicant's dwelling formally being a bungalow set at the end of a run of two-storey dwellings which transitions into bungalows. The proposal would not appear overly prominent within the street scene even though the proposed dwelling will be increased in height from the previous single storey dwelling, however two storey dwellings are already present on Cone Lane.

Due to the heights, materials and design of dwellings within the street scene, the proposed modern two storey dwelling is not expected to look out of character nor be detrimental to visual amenity. The proposed materials include matching red brickwork and roof tiles to the previous dwelling as well as off-white render, silver birch cladding and aluminium cladding. The new materials come in the form of render and cladding; however, render is present in the street scene of Cone Lane as it is featured on front elevations of neighbouring dwellings and therefore its use would not create an anomalous feature. Nor is it deemed the cladding will be harmful and the materials as the same as approved under 2022/0287. The proposed development is therefore acceptable in terms of visual amenity in accordance with Local Plan Policy D1: High Quality Design and Place Making.

Highway Safety

The proposed scheme was submitted for extensions and alterations in application no. 2022/0287 and Highways DC had no wish to raise objection to the scheme at this time. The previous comments and suggested condition are still pertinent to this proposal. It is considered that the proposals do not adversely impact upon the highway and are therefore acceptable from a highway's perspective.

Other Matters

With regards to land movements the site is in a high-risk development area as identified by the Coal Authority. Both the Coal Authority and SYMAS have been consulted and are satisfied with the findings of the Coal Mining Risk Report. In terms of noise and disturbance during construction works this will be controlled by way of a planning condition relating to operating hours.

Recommendation

Approve with conditions