

Applicant: Mrs Elizabeth Barton

Description: Erection of 1no. detached dormer bungalow with a detached single garage

Address: Land adjacent 31 Green Lane (off Tankersley Lane), Tankersley, Barnsley, S74 0DT

Site Location and Description

The application relates to the garden area of an existing detached, stone built, pitched roof bungalow. Vehicular access is taken from Green Lane, an unmade single track, to the East of the property which in turn links to Tankersley Lane to the North. The existing dwelling is positioned to the North of the plot with garden areas to the West and South. Since the dwelling was built it has largely been uninhabited and the gardens never landscaped. The site slopes down from the Northern boundary to the Southern boundary.

There are dwellings to the South of the site at the Head of Green Lane. To the East, across the access track, is a detached stone built dwelling and a field. Directly to the North are 2no. recently built detached, 2 storey dwellings which front Tankersley Lane. To the West of the site is a large employment allocation (ES13) with the recently completed Evri distribution centre located to the South West.

Site History

2007/1817 - Erection of 1 single storey dwelling – approved subject to conditions



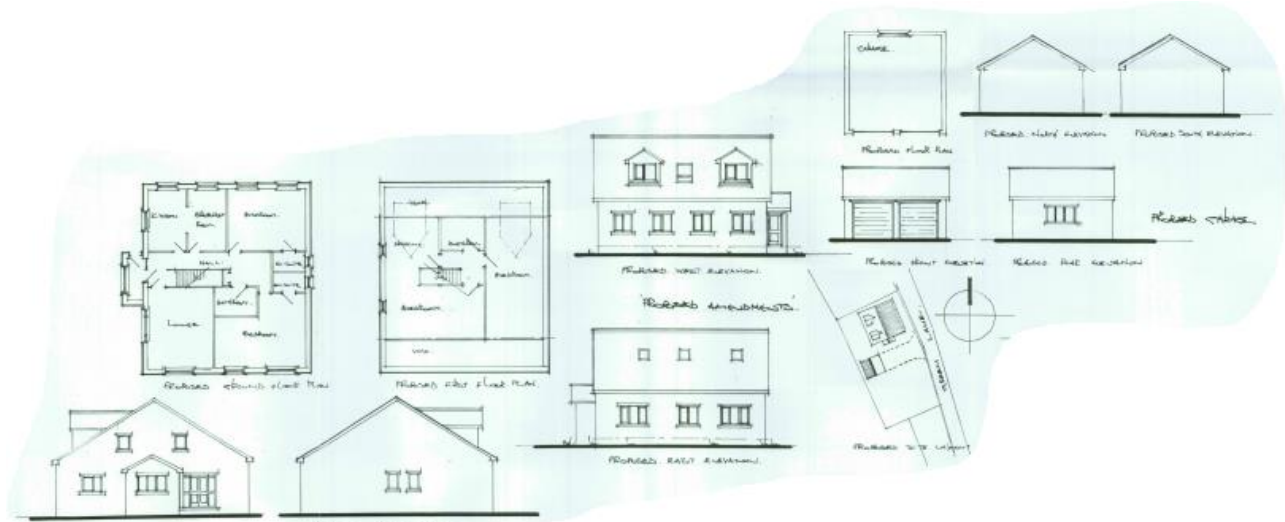
2010/0117 - Erection of 1 no. detached bungalow – approved subject to conditions



2010/1201 - Erection of 1 no. detached bungalow (Resubmission) – Refused



2022/0738 - Retention of 'as built' chalet bungalow dwelling, installation of two new dormer windows on west facing elevation and the erection of a detached double garage (Part Retrospective) – Approved

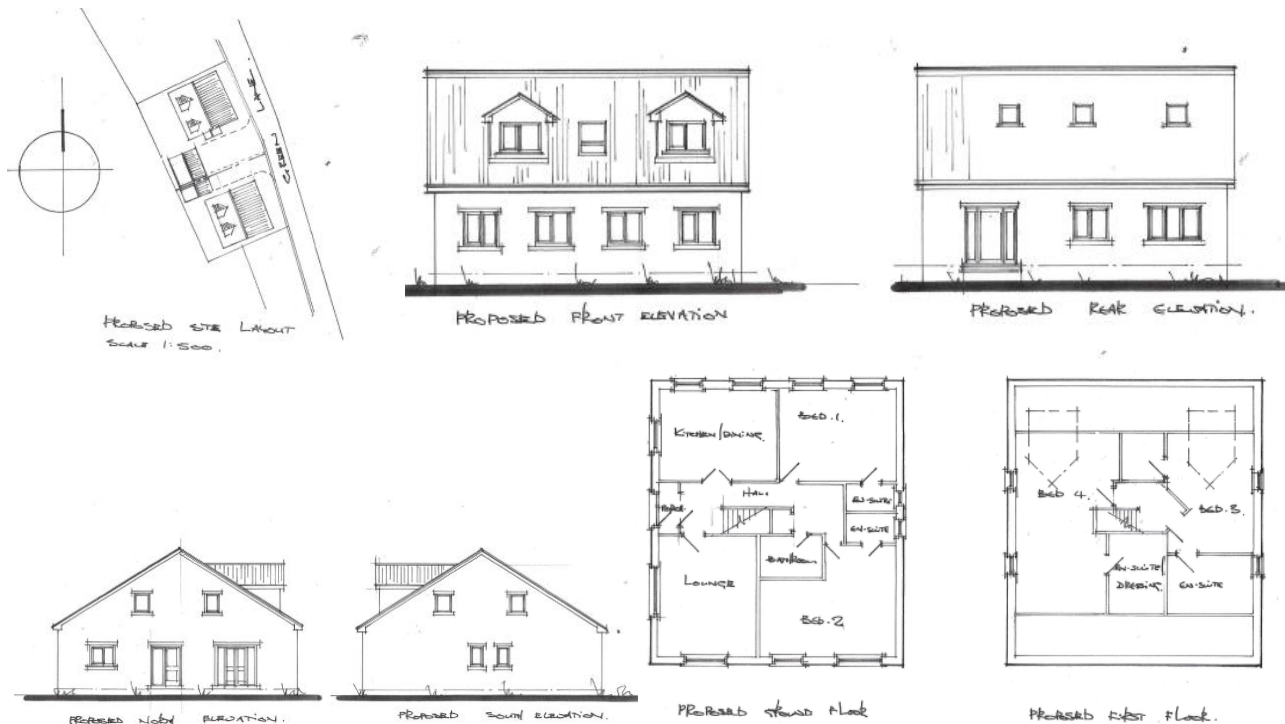


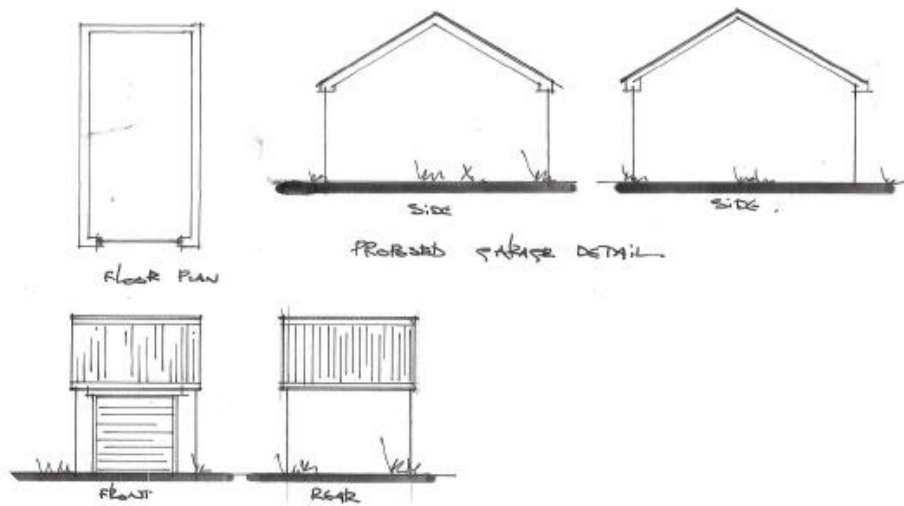
Proposed Development

Following the approval of application 2022/0738 to retain the 'as built' dwelling and install dormers and erect a detached garage, the applicant has now applied to erect a detached dormer bungalow and detached single garage in the Southern garden area of the existing dwelling.

The proposed dwelling reflects the existing dwelling in scale and design, with the exception of some minor fenestration changes and lack of porch. The dwelling would accommodate a kitchen/diner, lounge, 2 en-suite bedrooms and a bathroom on the ground floor and 2no. en-suite bedrooms on the first floor.

The proposed single garage would be located to the North West of the dwelling with a driveway, accessed from Green Lane, to the front. Small garden areas are shown to the front and rear of the property.





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 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 site is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy H4 Residential Development on Small Non-Allocated sites

Policy H9 Protection of Existing Larger Dwellings

Policy T4 New development and Transport Safety

Policy SD1 Presumption in favour of Sustainable Development

Policy GD1 General Development

Policy D1 High Quality Design and Place Making.

Policy Poll1 Pollution Control and Protection

Policy BIO1 Biodiversity and Geodiversity

Policy CC1 Climate Change

Policy CC2 Sustainable Design and Construction

SPD's

Those of relevance to this application are as follows:

-House Extensions and Other Domestic alteration

-Parking

Other

South Yorkshire Residential Design Guide

NPPF

The NPPF sets out the Government's 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.

Paragraphs of particular relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 91 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 111 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 126 - The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Consultations

Drainage – No objections, Building Control to check

Highways – Object – the development would lead to more than 5 dwellings off a private drive.

SYMAS – The site is not within a referral area, as such, no objections

Tankersley Parish Council – No comments

Ward Cllrs – No comments

Representations

9 notification letters were sent to neighbouring properties and a site notice was erected within the immediate area. No letters of objection have been received.

Assessment

Principle of development

The site is located within Hoyland Principle town boundary and close to the amenities within Hoyland Common. The significance of this is that is a priority location to accommodate growth and new residential development in spatial and sustainable development terms making it compliant with policies LG2 and H2. It should also be noted that the site adjoins a housing allocation which has been granted permission for 113 dwellings which demonstrates the area is suitable for residential development.

Local Plan Policy H4 'Residential Development on Small Non-allocated Sites' states that proposals for residential development on sites below 0.4Ha will be allowed where the proposal complies with other relevant policies in the plan. These sites make a valuable contribution to the housing supply. Sites in towns and villages can offer good opportunities for providing houses where other people already live, near to shops and services. Developing these sites also reduces the need to provide new sites outside settlement boundaries. We will allow small scale residential development within towns and villages in line with other plan policies, including those protecting people's living conditions, road safety and design.

However, it should be noted that section B.1.1.9 of the South Yorkshire Residential Design Guide states that shared private drives are unadopted and may give access upto a maximum of 5 dwellings. Green Lane is a shared private drive and it is evident it already serves that number of properties, as such, additional dwellings would be contrary to the South Yorkshire Residential Design Guide.

As the proposed dwelling would be in the garden area of an existing larger dwelling (one which contains 4/5 bedrooms or could accommodate that number of bedrooms without significant adaption) Local Plan Policy H9 'Protection of Existing Larger Dwellings' is relevant. This policy states that development within the curtilage of existing larger dwellings will be resisted where it will have an adverse impact on the setting of the original dwelling, and the side of the remaining garden area. The Government has changed the designation of garden areas from 'brownfield land' to 'greenfield land', in an attempt to resist development of additional houses within the curtilage of larger homes, known as 'garden grabbing', as this has also had an adverse impact on larger housing stock. Often additional dwellings have been built within their curtilage, resulting in an adverse impact on the original dwelling.

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

Residential amenity

There are some discrepancies on the plans regarding the orientation of the dwelling. The proposed layout plan shows the dwelling with the dormers to the rear (West) of the site which is the case with the existing dwelling. However, the elevations plan labels the elevation with the dormer as 'Front'. In addition, the elevation with the main entrance door is labelled as 'North' elevation, which would tally with the layout drawing with the dormers to the West, but from the orientation of the floor plans the main entrance is shown on the Southern elevation.

In any case, the existing dwelling has habitable room windows on the Southern elevation (which contains the main entrance to the property) and the proposed dwelling has habitable windows and the main entrance on the Northern elevation (if the elevation drawings are labelled correctly). This would result in habitable room windows facing each other at a distance of circa 14m which falls short of the required 21m, leading to overlooking and substandard levels of privacy, contrary to Local Plan Policy GD1. This would especially be the case for the proposed dwelling which would be built on a lower level.

The internal rooms of the proposed dwelling meet or exceed the requirements of the South Yorkshire Residential Design Guide, however, although the rear private amenity space just meets the 60m² requirement it only has a depth of 4.5m resulting in a wide but shallow garden area which would impact its useability as a family home, not to mention the impact on outlook from the ground floor windows with the rear elevation being so close to the rear boundary. In addition, if the Northern elevation drawing and the site layout are to be believed and the Western (rear) elevation is to contain the dormers then there is no access to the garden from that elevation which contains the dormers.

Policy H9 states that that development within the curtilage of existing larger dwellings will be resisted where it will have an adverse impact on the setting of the original dwelling, and the side of the remaining garden area. In this case the garden area of the original dwelling will be reduced by circa 335m² leaving the residents with circa 95m² of private garden area. This is a significant reduction and as with the proposed dwelling the garden would only have a modest depth compared to its width. Furthermore, the garden would be West facing rather than the existing

South facing garden. As a result, the proposed development would have an adverse impact on the size of the remaining garden, to the detriment of the residents and contrary to Local Plan Policies H9 and GD1.

Visual Amenity

As outlined above, there is conflict between the drawings submitted in terms of the orientation of the dwelling. However, it is assumed it would take the same form as the existing dwelling with the dormers to the rear. The design and scale of the proposed dwelling is almost identical to the neighbouring dwelling and the plot is within a non-prominent position, set back from the adopted highway with views obscured by neighbouring buildings. The proposed garage would also be located adjacent to the neighbouring approved garage and would meet the criteria set out in the SPD.

However, by building a dwelling within the garden of the existing property, in such close proximity, and, with such limited garden space and depth to the rear it would adversely affect the setting of the original family dwelling which had a more open appearance, befitting of the surroundings to the Easts, South and West. As such, the proposal would constitute overdevelopment and conflict with policies H9 and D1 to the detriment of visual amenity.

Highway Safety

The site is located to the rear of 31 Tankersley Lane with access being gained off Green Lane, an unadopted unmade and rural lane bounded by stone walling with no footways or street lighting which is subject to a 30mph limit.

Green Lane is classed as a private drive. As stated in the South Yorkshire Residential Design Guide section B.1.1.9, a maximum of 5 dwellings can be served off a private drive and it is evident that Green Lane already serves this number and is therefore unsuitable to accommodate any additional development.

With regard to refuse collection, it is proposed for residents to move their bins from the proposed dwelling to the Green Lane junction with Tankersley Lane for collection. This means that residents would be expected to move their bins a distance of some 60m+ which is double the recommended maximum distance of 30m set out in Approved Document H of the Building Regulations and is therefore unacceptable.

Green Lane is substandard in terms of surfacing and drainage, loose materials can already be seen to have migrated onto the public highway, a situation that would only be worsened by an increase in vehicular movements.

Visibility at the Green Lane junction with Tankersley Lane is also substandard, the required sight line of 2.4m x 43m cannot be achieved in the critical direction to the right (East) without encroaching across land outside the control of the applicant; the achievable distance is only around 15m.

In view of all of the above, the proposals are considered unacceptable from a highways development control perspective as they are viewed as being prejudicial to highway safety contrary to Local Plan Policy T4 New development and Transport Safety.

Conclusion

The proposed development would be contrary to Local Plan Policy H9 'Protection of Existing Larger Dwellings' in that the proposed dwelling would have an adverse impact on the setting of the original larger dwelling and the size of the remaining garden area. Furthermore, the proposal represents an undesirable form of infill development which, given the shallow depth of the site and close proximity of the dwellings and garages, would not reflect the immediate prevailing settlement pattern of the area.

The South Yorkshire Residential Design Guide states that unadopted shared private drives may give access up to a maximum of 5 dwellings. However, the proposed dwelling would result in excess of this number of dwellings accessed from a private drive and, as such, the proposal would

be contrary to the technical design requirements outlined above, as well as Local Plan Policy T4 'New development and Transport Safety'.

The proposed development would be contrary to Local Plan Policy GD1 'General Development' in that the position of the existing dwelling and the proposed dwelling, together with the orientation of their associated habitable room windows, would result in excessive overlooking and loss of privacy to the detriment of residential amenity.

Recommendation

Refuse