

2022/0291

Mr Kenneth Cunningham

Smithy Fold Lodge, Smithy Fold Lane, Wortley, Barnsley, S35 7DA

Conservatory extension to the rear (split level property with conservatory being level with the ground to the rear and at first floor level compared with the internal layout and the front and sides of the dwelling)

Site Description

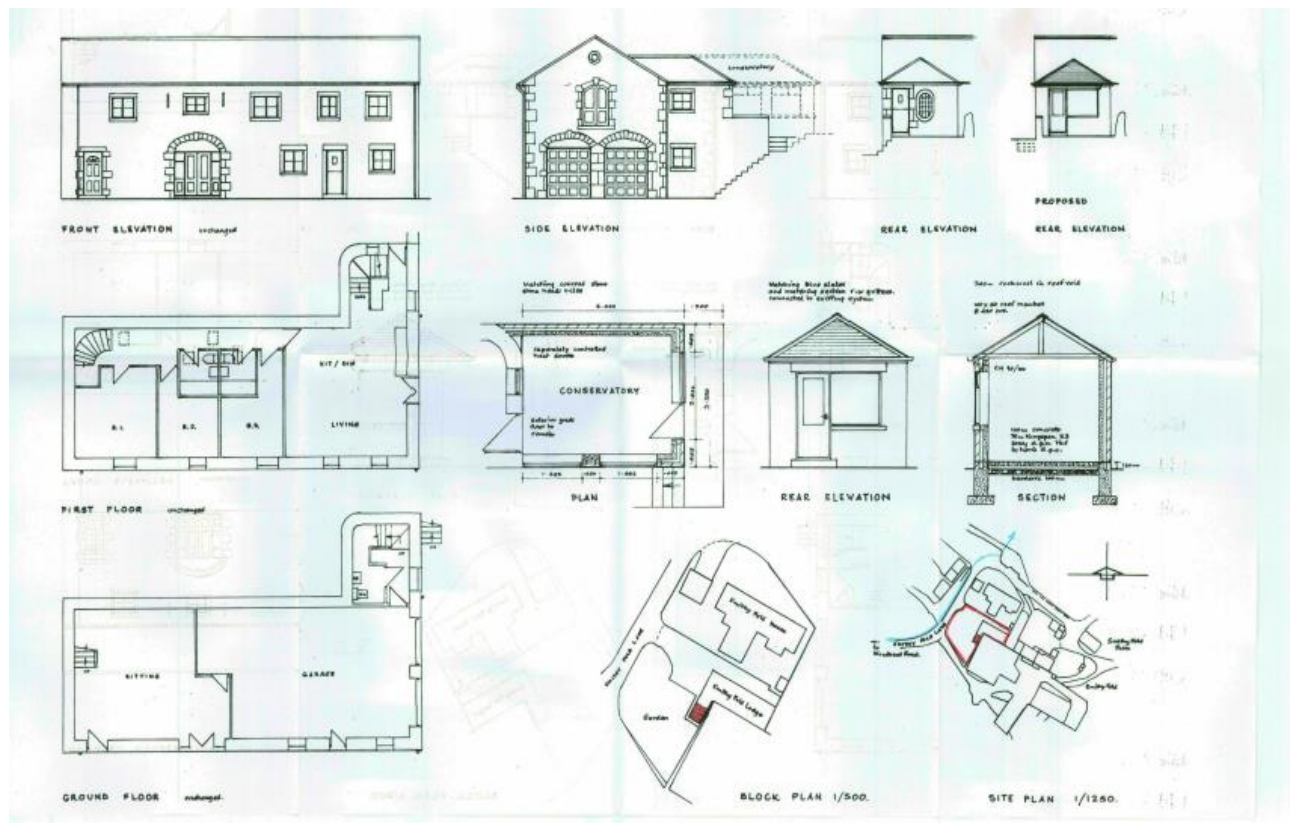
Smithy Fold Lodge is located in the remote small rural hamlet of Smithy Fold, near to the villages of Wortley and Howbrook. The hamlet contains several buildings that are used as private dwellings or farmhouses in connection with the other farms located in the vicinity.

The former outbuilding at Smithy Fold was once part of a collection of agricultural buildings. The site was subject to wholesale development and conversion. The dwellings at Smithy Fold are generally robust large sandstone buildings with some original features and appear to have been relatively sensitively altered to dwellings in the 1980's. The buildings at Smithy Fold retain a good degree of their historic character and are undesignated assets of moderate local value.

Relevant Planning History

2015/0688 - Change of use from domestic storage and garage to dwelling (Approved with Conditions) (Permitted Development rights were removed)

Proposed Development



The applicant is seeking approval for the erection of a rear extension. The extension will project 4 meters from the rear elevation of the dwelling. The extension has a width of 3.7 meters. The extension will feature a hipped roof with a ridge height of 3.6 meters and an eaves height of 2.25 meters. The materials used will be matching stonework and roof tiles.

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 – Green Belt

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 – 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 D1: High quality design and place making – Supersedes Core Strategy Policy CSP 29 and sets out the overarching design principles for the borough. Policy D1 States that 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.

Policy HE1: The Historic Environment – States that development which affects the historic environment and Barnsley's heritage assets and their settings will be expected to protect or improve the character and/or appearance of Conservation Areas and Listed Buildings.

Policy HE3: Developments affecting Historic Buildings – Proposals involving historic buildings should conserve and where appropriate enhance, respect historic precedents, and capitalise on opportunities to reveal significance.

Policy GB1: Protection of Green Belt – In accordance with the NPPF, the erection of new buildings within the green belt will be classed as 'inappropriate' development with sites in the green belt being protected from such. Exceptions to this are:

- Buildings for agriculture and forestry;
- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries;
- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- The replacement of a building provided the new building is in the same use and not materially larger than the one it replaces;
- Limited infilling in villages, and limited affordable housing for local community needs; and
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land).

All such buildings will still be considered in terms of their impact on the openness of the green belt and whether they cause other harm. In accordance with the NPPF and as set out in GB1, the Council will not allow proposals for 'inappropriate' development in the Green Belt unless it can be shown that there are very special circumstances that justify setting aside local and national policy.

Policy GB2: Replacement, extension and alteration of existing buildings in the Green Belt – Provided that it will not have a harmful impact on the appearance, or character and will preserve the openness of the Green Belt, we will allow the following development in the Green Belt:

- Replacement buildings where the new building is in the same use and is not materially larger than that which it replaces;
- Extension or alteration of a building where the total size of the proposed and previous extensions does not exceed the size of the original building; and
- Dividing an existing house to form smaller units of accommodation.

All such development will be expected to:

- Be of a high standard of design and respect the character of the existing building and its surroundings, in its footprint, scale and massing, elevation design and materials; and
- Have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety.

Supplementary Planning Document: House extensions and Other Domestic Alterations

This document establishes the design principles that specifically apply to the consideration of planning applications for house extensions, roof alterations, outbuildings & other domestic alterations. The general principles are that proposals should;

- Be of a scale and design which harmonises with the existing building;
- Not adversely affect the amenity of neighbouring properties;
- Maintain the character of the street scene; and
- Not interfere with highway safety

The above principles are to reflect the revised principles in the NPPF, which promote high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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 policies include:

Section 12: Achieving well designed places - The Government attaches great importance to the design of the built environment. 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. It is important to plan positively for the inclusion of high-quality design for all developments, including individual buildings, public and private spaces and wider area development schemes.

Within section 12, paragraph 134 states that *"development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes"*.

Consultations

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

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

Public Rights of Way were consulted and provided no response.

Wortley Parish Council were consulted and provided no response.

Representations

Neighbour notification letters were sent to surrounding properties, one objection was received and in summary raised the following points;

- This objection relates to the proposed boundary of the extension, and specifically to the potential encroachment onto my property. The plans show a view entitled rear elevation, on which the boundary wall can be seen to the right. The location of the boundary wall in this part of the plan appears to be correct.
- As can be seen in the drawing the right-hand part of the applicant's building at this juncture is curved in as had to be the case due to its proximity to the boundary wall. The view entitled proposed rear elevation is therefore incorrect.
- Although it appears to show the boundary wall in the same position, it does not account for the fact that it is then nearly 5 metres away from the original building and would therefore be approximately 1 metre onto my land. In which case, the applicant's extension would lie on top of the footprint of the current boundary wall and overshoot significantly beyond.
- The boundary wall does not run parallel to the applicant's property, it tapers towards the property, thereby widening the gap between the buildings and the boundary wall itself, the further the distance from the applicant's building. The plans entitled Block Plan and Site Plan do not contain sufficient detail to address the issues noted above. They do not demonstrate the intrusion which would take place onto property that the applicant does not own.

- The proposal would constitute an unlawful trespass and the prevention of access for the maintenance of buildings and enjoyment of use, which I, as the land occupier and owner have the exclusive right to and use of for over 80 years.
- To correct the intrusion of the boundary wall and of my land by the applicant, the proposal would need to be adjusted to follow the angle of the curve on the applicant's building in situ at the present time, or for the building itself to taper, neither of which are objected to.
- It also appears to be the case that Item 7 of the application form is misleading. The applicant has confirmed that there are no trees within falling distance of the proposed development, and that no trees need to be removed to carry out the proposal. This wasn't the case until very recently when the applicant removed two large trees that were unambiguously in the proposed extension location.
- This exercise caused significant damage to, and in places, the total destruction of the boundary wall, resulting in there being sections of the boundary wall missing and which now need to be rebuilt. The boundary wall now needs to be rectified and reinstated.
- I therefore request that the application is refused in its current format, due to the incorrect boundary location, inaccurate, and misleading information. This ambiguity poses a very real risk of the proposed extension being built on land which is not owned by the applicant and therefore the trespass and loss of use and enjoyment as detailed above.

Assessment

Principle of Development

The site falls within Green Belt as such, extensions, roof alterations, outbuildings and other domestic alterations will be considered against the general principles from the SPD and the following criteria:

- The total size of the proposed and previous extension should not exceed the size of the original dwelling; and
- The original dwelling must form the dominant visual feature of the dwelling as extended

Extensions to residential properties are considered acceptable where they do not have a detrimental impact on the amenity of surrounding residents, visual amenity and highway safety.

Impact upon Green Belt

The starting point to assess extensions and alterations for sites within the Green Belt is identifying how the original dwelling stood in 1948, or whenever the house was built, whichever is later. In this case, the building was previously an outbuilding connected to another dwelling and only became used as standalone dwelling recently after the approval of 2015/0688. Therefore, the size of the original dwelling is taken from the most recent mapping and taken as a new dwelling even though the building was previously existing.

- Original dwelling = 254sqm
- Proposed extension = 14.8sqm
- Original dwelling + Proposed extension = 268.8sqm

As such, the proposal does not exceed the size of the original dwelling and original outbuildings and is therefore in compliance with Local Plan Policy GB2.

It is noted that since the approval of 2015/0688 a garage structure has been erected to the side of the dwelling despite permitted development rights been removed. The structure is approximately 19.5sqm and therefore would not affect the above calculations to breach 100% of the original size of the dwelling. The applicant claims the garage was constructed in 2018 and therefore would have been erected for at least four years and therefore enforcement action cannot be taken. The LPA does not wish to challenge this but would again note that for any future developments permitted development rights have been removed from the property and any extension, alteration or outbuilding would require planning permission.

Impact Upon Heritage Asset

The building in question was approved for change of use under 2015/0688 and this application did not propose external changes. This application proposes a linear extension to the small existing single storey southern offshoot. This element is at first floor level due to the rising landform. The proposal seeks permission to add a further extension to this and extend the southern range to the south by adding a 4-meter projection of a similar appearance in terms of the roof form and materials. Overall, there is no harm to the heritage asset because of this.

The proposed windows that face west are of a different style and proportion to the existing windows within the dwelling however by surrounding the openings with stone dressing they are in keeping with the character of the building. The extension is proposed as a sunroom or conservatory space and therefore maximum light ingress would be required. After discussion with the LPA's Conservation Officer the windows are deemed acceptable on balance and will not significantly affect the character of the dwelling.

Visual Amenity

The SPD states that *'materials should normally be of the same type, colour and texture to the existing house or as close a match as possible'*. In this case, the proposed materials will match the existing dwelling being matching stone and roof tiles. The extension utilises a hipped roof which is akin to the hipped roof on the existing offshoot which is to be extended. The proposed extension conforms to the SPD in terms of its external materials and roof type, therefore it will have little impact upon the character of the street scene due to the harmony with the existing dwelling. The proposed development is therefore not considered to be contrary to Local Plan Policy D1: High Quality Design and Place Making and is considered acceptable in terms of visual amenity.

Residential Amenity

The SPD states that *"extensions to the rear of detached houses will be considered on their design merits where no adjacent properties are affected"*. In this case the proposed extension will have little impact on any adjacent property. The proposed extension will not have a significant detrimental impact on any neighbouring property by way of overshadowing, being overbearing or causing significant overlooking. The proposal is considered to be in compliance with Local Plan Policy GD1: General Development and is acceptable in terms of residential amenity.

Highway Safety

There will be no impact upon highway safety.

Other Issues

The objection raised issues relating to trespassing and the boundary between the host dwelling and Smithy Fold Farm. The applicant has signed certificate A on the application form therefore implying that they own all the land within the application site. An informative will be attached to the decision stating that 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. 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.

Recommendation

Approve with conditions