

Applicant: Ms Elizabeth Barton

Description: 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)

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

### Site Location and Description

The application relates to a 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 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





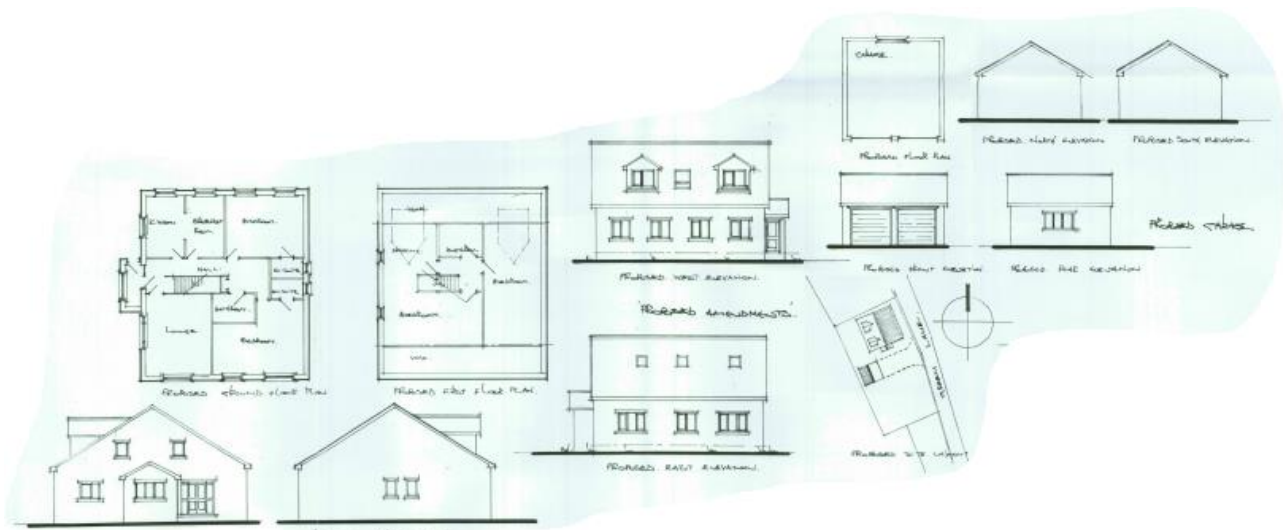
### Proposed Development

Planning permission was granted for the dwelling on the site under application 2007/1817, however, the dwelling was not built in accordance with the approved plans. The dwelling was built off the higher land level on the site rather than the lower level which resulted with an element of under build which was not approved. In addition, the eaves and the ridge height were higher than those on the approved plans. As a result, there was an enforcement notice serve which the applicant appealed, however, that appeal was dismissed.

The applicant then applied to amend the 'as built' dwelling by raising the land levels around the building and also removing and replacing the roof to allow the eaves and ridge to be lowered. That work was approved under application 2010/0117, however, the works were never carried out and the building has been stood empty for over 10 years.

The current application is to retain the dwelling 'as built' and also make some amendments to provide accommodation in the roof including 2no. pitched roof dormer windows and a roof light on the Western roof face, 3no. roof lights on the Eastern roof face, 2no windows at first floor level on the front elevation. In addition a porch is also proposed around the front entrance.

The applicant also seeks permission for a detached double garage to be located to the South West of the building, accessed via the existing vehicular access from Green Lane. The garage measures 6.5m wide by 6.5m long, with a ridge height of 4.9m and eaves height of 2.5m.



## Policy Context

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.

The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

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 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**

Highways – No objections subject to conditions

Ward Cllrs – No comments

## **Representations**

14 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

As outlined above this site has a long planning history and was also subject to 2no. outline approvals prior to the 2008 application. Ultimately a detached bungalow was approved on the site under planning reference 2007/1817. However, this dwelling was not built in accordance with the plans approved under that application and was subject to an enforcement notice. That notice was appealed and the appeal was dismissed. The applicant wanted to work with the Council and application 2010/0117 followed which proposed significant ground level changes and landscaping and the roof ridge and eaves were proposed to be reduced. That application was approved but the works were never carried out and the house has stood empty for over 10 years.

As outlined above, the 'as built' dwelling was considered unacceptable hence the enforcement notice which was upheld by the Planning Inspector. The dwelling was considered to sit too proud on the plot due to the under build and also have an excessive eaves and ridge height. Application 2010/0117 addressed those issues by amending the land levels around the dwelling and removing the roof to allow a number of stone courses to be removed and the pitch of the roof shallowed.

It should be noted however, that since the Enforcement notice there have been a number of significant changes. Firstly there have been changes to both Local and National Policy with the adoption of the Barnsley Local Plan and the latest version of the NPPF. In addition, a large portion

of the concern with the height of the dwelling was its impact on the openness of the Green Belt immediately to the West of the site. However, through the introduction of the Local Plan that area of land has been reallocated for Employment uses (Ref: ES13). The employment land extends to some 49.3 Ha and is subject to a masterplan framework. The largest distribution hub in Europe has recently been completed to the South West of the site.

In addition, directly to the North of the site there used to be a modest 2 storey detached dwelling. This has since been demolished and replaced by 2no. detached dwellings (Ref: 2014/0938) which further screens the site from Tankersley Lane.

Given the significant policy and landscape changes within the area the constraints this site was previously subject to have somewhat been lifted and will be discussed further under the headings below.

In terms of the proposed alterations, 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.

Detached garages should relate sympathetically to the main dwelling in style, proportions and external finishes. In most cases, it will not be appropriate for a garage to be sited between the house and the road. Detached garages should be single storey structures and the eaves height should not normally exceed 2.5m from ground level.

The design of the dormer window should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building. Vertically proportioned dormer windows with pitched roofs are traditionally found in the Barnsley area. pitched roof dormers are generally considered more appropriate for both aesthetic and practical reasons. So as not to dominate existing roof lines and retain its original form, dormers should be set within the roof plane and not be built off an external wall. It is also important that dormers and roof lights reflect the pattern of existing window openings. They should be positioned to line through vertically with the window openings below.

### Residential amenity

The dwelling as built has been in situ for over 10 years. With the exception of a small porch, similar to what has been approved previously, the foot print of the dwelling would not be altered. The eaves height and the ridge height would also remain the same. It should also be noted that the previous enforcement notice and refusal associated with the dwelling did not reference the impact the dwelling had on residential amenity. Furthermore, the 2no. dwellings directly to the North of the site were built after the application property and were assessed against it. As such, the retention of the dwelling as built would not have a negative impact on residential amenity.

The proposed dormers and roof light on the Western roof plane would face the neighbouring employment land and associated buffer landscaping. The roof lights on the Eastern roof plane would face partially towards number 29 and its associated garden area but would have a relatively high sill height and not directly face the neighbouring habitable room windows or amenity space. The only other fenestration alteration is at first floor on the front elevation which faces into the applicants garden area and is a considerable distance to the dwellings to the South. As such, privacy levels would be maintained.

The proposed detached garage would be to the South of the dwelling and adjacent to the boundary with the employment site. It would be set away from neighbouring dwellings and, as such, would not increase overshadowing or be an overbearing addition, in accordance with Local Plan Policy GD1.

### Visual Amenity

As outlined above, the dwelling as built was subject to an enforcement notice, dismissed appeal and refused planning application based on visual amenity, especially given the eaves and ridge height. However, weight was given to the fact the dwelling was previously immediately adjacent to

Green Belt and reduced the openness of the Green Belt, not to mention it was highly visible from the neighbouring open fields, as such, that is why a reduction in eaves and ridge height was necessary, along with a comprehensive landscaping scheme.

However, following the adoption of the Local Plan, that land was taken out of the Green Belt and reallocated as employment land and subject to a masterplan. The largest distribution centre in Europe has also recently been completed on the land within relatively close proximity of the site and when viewed from Green Lane the dwelling is seen against that building as a back drop. In addition, between the application site and Tankersley Lane to the North, the previous modest detached dwelling has been replaced by 2 new build, 2 storey detached dwellings which further obscures the application property from public vantage points.

As a result of the changes since the dwelling was built the reasons for the enforcement notice and refusal have been significantly reduced and the dwelling is no longer 'a conspicuous, prominent and dominant feature that would have a significant effect on the visual amenity of the surrounding area and green belt'. Therefore, there are no objections to the 'as built' dwelling now being retained.

In terms of the proposed dormers, although they do not line up vertically with the windows below they do meet the rest of the criteria set out in the SPD in that they have pitched roofs and are set within the roof plane, away from the external walls, the ridge and the gables. They would be visible from the neighbouring employment land but would be viewed against the neighbouring residential and commercial building and would not be highly prominent or visually intrusive.

The roof lights on the eastern roof plane are relatively small and line up vertically with the openings below. Although they would be visible from Green Lane and Tankersley Lane, rooflights are a very common feature within the immediate area and have been included in neighbouring properties under permitted development rights. As such their including would not be detrimental to the visual amenity of the streetscene, in accordance with Local Plan Policy D1.

The porch and the 2no. first floor windows in the front elevation of the property would arguable improve the appearance of the dwelling by making a feature of the main entrance and also breaking up the relatively large blank gable of the 'as built' dwelling. Porches have also been approved previously on the dwelling and are a common feature within the immediate area, as such, there are no objections to their inclusion.

The garage would be adjacent to the front elevation of the property, however, the majority of the curtilage associated with the dwelling is to the front. The garage would be set adjacent to the boundary with the employment land and would be located away from Green Lane, as such views from the North Would be obscured by the dwelling and views from the South would be against the back drop of the dwelling. In addition, the garage is a standard size double, in line with the requirements of the SPD, and would be built on a lower level than the dwelling. As such, it would not be a prominent or visually dominant feature within the streetscene. It would also take design cues from the host property and sit comfortably against it.

### Highway Safety

The site is located to the rear of 31 Tankersley Lane with access being gained off Green Lane, an unadopted unmade a rural lane bounded by stone walling with no footways or street lighting which is subject to a 30mph limit. The site is in an established residential area close to shops, amenities and services which would therefore be considered a sustainable location which complies with the policies of NPPF 9: Promoting Sustainable Transport and Barnsley Local Plan (January 2019) Policy T3 New Development and Sustainable Travel.

The plans show the garage would have internal dimensions of 6m x 6m which could provide 2no. parking spaces, in addition, a 12m long drive way is proposed which would provide ample off street parking and turning opportunities, as such, the proposal complies with SPD 'Parking' and Local Plan policy T4.

### Conclusion

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.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

The 'as built' dwelling has previously been subject to an Enforcement notice, dismissed appeal and refused planning application. However, the dwelling was built over 10 years ago and in that time those reasons for enforcement/refusal have slowly been eroded, particularly the re-allocation of the immediately adjacent Green Belt land to employment and the significant development and changed landscape on that site as a result. Furthermore, the proposed changes to the 'as built' dwelling are considered acceptable and would maintain residential and visual amenity, as well as highway safety.

As such, taking into account the relevant development plan policies and other material considerations the application is in accordance with the development plan (most notably policies GD1, D1 and T4) and is assessed to be a suitable and sustainable form of development that accords with Local Plan Policy SD1 Presumption in favour of Sustainable Development in overarching terms. Similarly in National Planning Policy terms (NPPF) the presumption in favour of sustainable development is considered to apply also (para 11) which is that proposals that accord with an up to date development plan should be approved without delay.

The recommendation is one of approval therefore subject to the conditions listed below.

### **Recommendation**

Grant planning permission subject to conditions