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<b>Application reference number</b>	2025/0904
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<b>Application Type</b>	Reserved Matters
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<b>Proposal Description:</b>	Reserved Matters seeking consent for appearance, landscaping, layout and scale relating to application 2021/1472/Appeal APP/R4408/W/22/3294927 (Demolition of 49 Woodstock Road and residential development of 5no dwellings (Outline with matters reserved apart from means of access)).
<b>Location:</b>	49 Woodstock Road, Barnsley, S75 1DX

<b>Applicant</b>	Mr Scott Clayburn
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<b>Number of Third Party Reps</b>	6 objections from 5 no. addresses	<b>Parish:</b>	
		<b>Ward:</b>	Old Town Ward

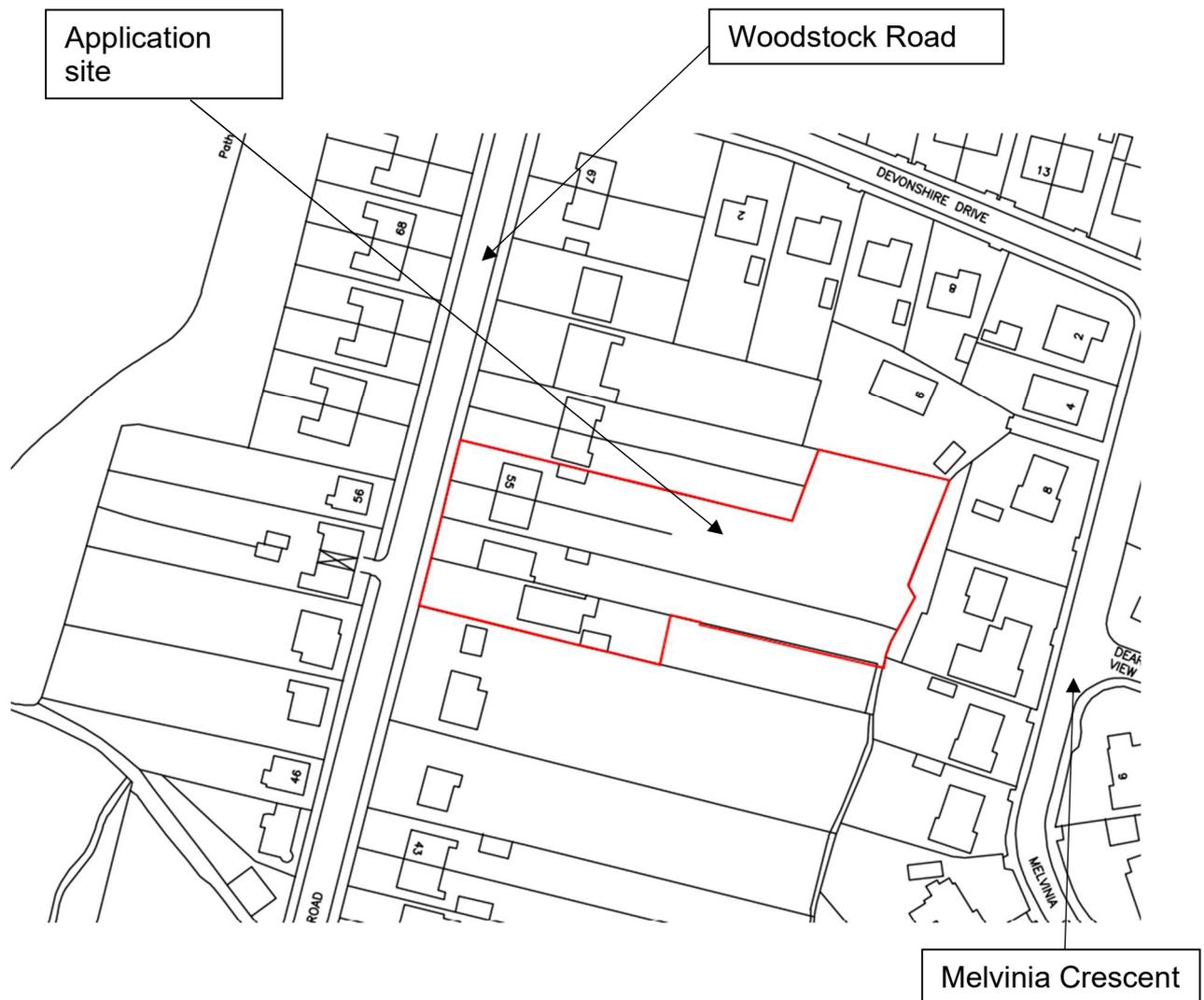
## SUMMARY

Following on from the approval of the outline application, which included means of access (Ref: 2021/1472), via appeal (Ref: APP/R4408/W/22/3294927), the applicants have now submitted a reserved matters application for 5 dwellings including appearance, landscaping, layout and scale.

The proposal is considered to be acceptable in policy terms being designated as Urban Fabric within the Local Plan and is therefore considered to be an acceptable and sustainable form of development in line with paragraphs 7 and 8 of the National Planning Policy Framework (NPPF, 2024).

The report demonstrates that any harm generated by the proposal is outweighed by other material planning considerations. The development would not cause an unacceptable level of harm to neighbouring properties, the highway network, trees or the wider character of the area subject to suitably worded conditions.

Recommendation: **GRANT Planning Permission**



### Site Description

The site is 'L' shaped, measures approximately 0.25 hectares and forms part of the large garden areas to the rear of 51, 53 and 55 Woodstock Road. The site is within a predominantly residential area and is bounded by properties on Woodstock Road to the West, Woodstock Gardens to the South and Melvinia Crescent to the North and East. The site is allocated as Urban Fabric.

There is a mixture of property styles within the area including predominantly detached and semi-detached dwellings on Woodstock Road, detached 2 storey dwellings on Woodstock Gardens and detached bungalows on Melvinia Crescent.

The site is currently largely overgrown with the exception of some cleared areas where intrusive site investigations have taken place to satisfy some outline conditions.

### Description of the Proposal

Application 2021/1472 (via appeal) granted outline permission for 5 dwellings including the means of access. Following that approval at appeal, a Non-Material amendment application (Ref: 2023\ENQ\00343) was granted for amendments to the approved access.

The applicant is now seeking the approval of reserved matters including appearance, landscaping, layout and scale. The development is served by the single access approved at outline stage and the internal access runs along the boundary with Woodstock Gardens leading to a turning head and a drive offshoot.

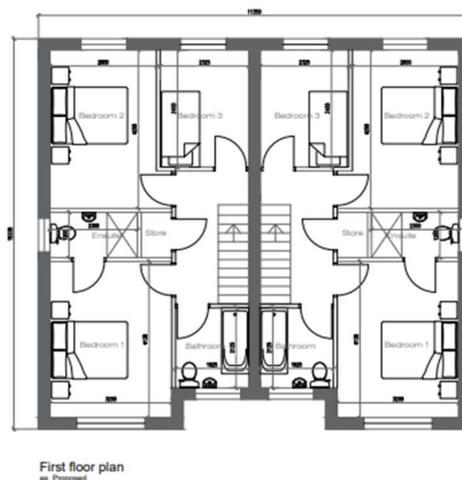
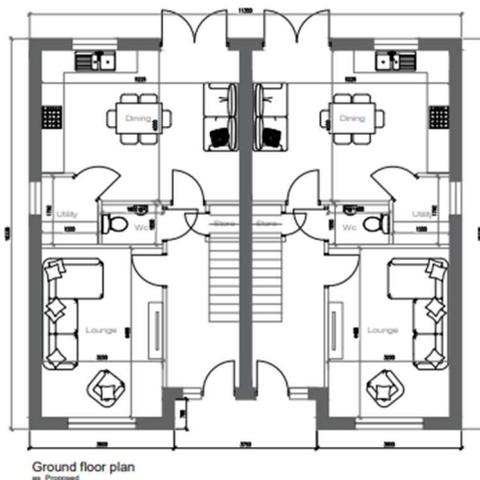
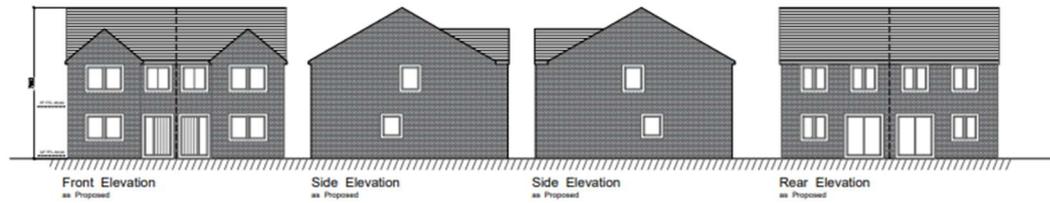
The layout includes a 3-4 bedroom dormer bungalow at plot 1 with 2 pairs of 2 storey, 3 bedroom semi-detached dwellings at plots 2-5. Each plot has 2no. off street parking spaces and an enclosed garden area to the side/rear. A visitor parking space is proposed adjacent to the Southern boundary, to the front of plots 4 and 4. Landscaping is proposed adjacent to the access road, predominantly to the Southern boundary, adjacent to Woodstock Gardens.



Plot 1



## Plots 2-5



## Relevant Site History

<i>Application Reference</i>	<i>Application description</i>	<i>Status</i>
2008/0868	erection of four detached dwellings (outline)	Withdrawn
2008/1563	erection of four detached dwellings (outline) (Resubmission)	Refused
2015/0347	Erection of 5 no. dwellings (1 no. detached and 4 no. semi-detached) (Outline)	Refused
2016/0286	Outline application including details of access and layout for the development of 4 dwelling houses - 2 no. detached houses & 2no. semi-detached houses (re-submission)	Refused. An appeal was also dismissed for application 2016/0286 (Ref: APP/R4408/W/16/3151254).
2019/1262	Demolition of existing dwelling and residential development of 3no. dwellings (outline with all matters reserved apart from means of access)	Refused. An appeal was dismissed for application 2019/1262 under reference APP/R4408/W/20/3253900.
2021/1024	Demolition of 49 Woodstock Road and residential development of 3 no. dwellings (Outline with all matters reserved apart from means of access)	Approved subject to conditions.

2021/1472	Demolition of 49 Woodstock Road and residential development of 5no dwellings (Outline with matters reserved apart from means of access)	Refused. Appeal allowed – APP/R4408/W/22/3294927.
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## Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (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 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 which 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.

## Local Plan

The site is identified as Urban Fabric within the Local Plan and as such the following policies are considered to be relevant to this application:

Policy H1 The Number of New Homes to be Built

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 LG2 The Location of Growth*

*Policy GD1 General Development*

*Policy D1 High Quality Design and Place Making.*

*Policy HE1 The Historic Environment*

*Policy H9 'Protection of existing larger dwellings'*

*Policy Poll1 Pollution Control and Protection*

*Policy BIO1 Biodiversity and Geodiversity*

*Policy CC2 Sustainable Design and Construction*

Adopted Supplementary Planning Documents relevant to this application:

Trees and hedgerows  
Biodiversity and Geodiversity  
Parking  
Sustainable Construction and Climate Change Adaptation  
Design of New Residential Development

### Other

South Yorkshire Residential Design Guide

### NPPF

The National Planning Policy Framework 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. NPPF policy of relevance to this application includes:

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

Para 116 - 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 131 - 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.

### **Relevant Consultations:**

Given the site has outline permission which established the principle of development, where a full consultee assessment took place, only consultees which need to comment on the reserved matters elements have been consulted on this application. Their comments are;

**Highways DC** – No objections, following receipt of amended plans, subject to conditions

**Yorkshire Water** – No objections, following receipt of additional information and subject to conditions

**Pollution control** – No objections subject to conditions and informative

**Ward Councillors** – No comments

### **Representations**

Neighbour notification letters were sent to 14 surrounding properties and a site notice was placed nearby.

6 representations were received from 5 no. addresses. The 6 representations raised the following material planning issues:

- Safety of pedestrians and vehicles at the site entrance
- Increased overlooking/loss of privacy, especially given level differences
- The proposed layout is unacceptable
- Over development of the site
- Building heights excessive and proximity to neighbouring boundaries unacceptable
- Out of character with the surrounding housing stock
- The proposed houses have increased in size since the outline indicative plan
- Potential unstable land given level differences and excavations
- Proposed road layout a backward step compared to outline
- Negative impact on wildlife and loss of greenspace/garden
- Area subject to historic subsidence
- Increased noise and disturbance
- Potential damage to existing infrastructure

## **Assessment**

The main issues for consideration are as follows:

- 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 the existing trees
- The impact on the ecology of the site
- Flooding and Drainage issues

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**

All new dwellings proposed 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, particularly in respect of the levels of mutual privacy. In addition, development will only be granted where the development would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land.

The site is located within Urban Barnsley. The significance of the site being located in the Urban Barnsley 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.

The site is allocated as Urban Fabric within the Local Plan. Local Plan policy H4 'Residential Development on small non-allocated sites' states 'proposals for residential development on sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies within the plan'.

In any case, the principle of residential development for 5 dwellings was established through application 2021/1472 and the associated appeal. This application will focus on the reserved matters of appearance, landscaping, layout and scale under the headings below;

### Residential Amenity

Given the site is within a backland location, it is enclosed by existing residential dwellings. Plot 1 is located to the rear of 53 and 55 Woodstock Road (which are owned by the applicant) and adjacent to the side boundary of 57 Woodstock Road. There are no windows proposed on the Western gable of plot 1 facing numbers 53 and 55 but there are windows proposed on the Northern elevation within close proximity to the garden of 57, which fall short of the 10m separation recommended in the SPD. However, 2 of the first-floor windows serve a bathroom and en-suite and would have obscure glazing, and the 3<sup>rd</sup> would be a rooflight serving bedroom 3. There would be views out of the rooflight but given the sill height and the location towards the end of the large neighbouring garden, views would be limited and a refusal on significant overlooking could not be justified in this case.

The majority of the habitable room windows on plot 1 are proposed on the front (South) and side (East) elevations. The windows facing East overlook the garden area for that property and the relatively blank side elevation of plot 1. The separation distance from the proposed habitable room windows and the side elevation is circa 12m, in accordance with the SPD.

The windows proposed on the Southern elevation face the turning head and access road and there is a separation distance of over 14m to the boundary of the properties on Woodstock Gardens. Furthermore, the properties on Woodstock Gardens are at a higher level and there is substantial boundary treatment between the two sites.

As a result of the comments above, plot 1, given its position on the site and distance from existing and proposed properties, would not significantly increase overlooking or be an overbearing or overshadowing feature. Furthermore, the future residents of that plot would have acceptable residential amenity levels in terms of privacy.

Regarding plots 2-5 there are no habitable room windows proposed on the side elevations. The front elevation windows face on to the parking for the plots with the access road beyond. There is a separation distance of between 15-18m to the boundary with number 1 Woodstock Garden and circa 22m from the side elevation of that property, in accordance with the SPD.

The proposed rear elevation windows face number 6 Melvinia Crescent and its associated garden area. Number 6 is also on a lower level. The windows are between 11.7m to 15m from the rear boundary, in excess of the 10m cited in the SPD. There is also a 25.9m separation distance between the proposed habitable windows and the existing habitable room windows on number 6, in excess of the 21m cited in the SPD. As such, residential amenity levels, in terms of privacy, overbearing and overshadowing, for both existing and future residents would be acceptable, despite the change in levels.

However, due to the land levels (the finished floor level of the ground floor is 3m higher than the rear boundary level), it is acknowledged that the rear patio is raised and there would be views from the patio over the rear boundary treatment towards number 6 and its garden. The distance from the patio to the neighbouring habitable room windows would still exceed 21m and the distance to the boundary would predominantly exceed 10m. It is acknowledged that the site is currently undeveloped and is a large garden area with very little activity and by developing it, and having 4no. properties backing on to number 6, it would inevitably have an impact on that resident compared to the current situation. However, the principle of residential development for 5no. properties has already been established through the appeal and the separation distances proposed meet the guidelines set out in the SPD. As such, a refusal cannot be justified and significant amendments to the scheme cannot be requested.

The side elevation of plot 5 is orientated to the Northwest of 10 Melvinia Crescent and there is a separation distance of circa 12m from the rear elevation of the garage and 20m from the rear elevation of the dwelling, in accordance with the SPD. Given the orientation of the proposed properties, there would be some overshadowing to the gardens of numbers 8 and 10 but that would not be for a significant amount of the day or on a significant proportion of the garden. The proposed side elevation is also to the rear of the neighbouring garage/outbuilding rather than the main dwelling, as such, it would not be an overbearing addition.

In terms of the amenity of the future residents, the proposed internal space of the dwellings generally meets or exceeds the requirements of the South Yorkshire Residential Design Guide and the habitable rooms have adequate natural light and outlooks. The garden areas of the properties exceed the 60m<sup>2</sup> requirement set out in the SPD.

As a result of the comments above, the existing and proposed residents would have adequate levels of residential amenity which carries significant weight in favour of the development. The proposal is in accordance with Local Plan policy GD1 and SPD 'Design of Housing Development'.

#### Impact on Geodiversity and Biodiversity

This application is a reserved matters application and the outline pre-dates mandatory BNG. Biodiversity was considered at outline stage and a Preliminary Ecological Report concluded '*The site is not considered to be of greater than site level importance to any habitat or species group. In order to further reduce scheme impacts and to ensure the scheme maximises potential benefits to nature conservation, it is recommended that mitigation and enhancement measures detailed in Sections 6.3 and 6.4 are adopted*'.

A condition was imposed on the outline consent relating to the mitigation and enhancement measures.

#### Trees

There is a long planning history on this site and some clearance has taken place over the years given the trees were in a garden area and were not subject to Tree Preservation Orders. Furthermore, the site trees were considered under the outline permission.

The layout/landscaping plan supplied with the application shows a number of trees to be planted throughout the scheme, especially on the southern boundary. These will be conditioned in terms of their implementation and retention.

#### Visual amenity

The site is in a backland location and is surrounded by the dwellings fronting Woodstock Road, Woodstock Gardens and Melvinia Crescent which limits the views of the site from public vantage points. The proposed dwellings are also set in from the public highway and accessed via a relatively long road.

The principle of development for 5 dwellings was established in the outline permission and the proposed layout is reflective of the indicative layout considered at that stage. The proposal includes 2no. pairs of 2 storey semi-detached houses and a dormer bungalow which is reflective of the housing stock within the immediately surrounding area with predominantly semi-detached dwellings on Woodstock Road and detached bungalows and dormer bungalows on Melvinia Crescent.

It is acknowledged that the site is within a backland location, however, it is immediately adjacent to Woodstock Gardens which is an off shoot from Woodstock Road and serves several properties between Woodstock Gardens and Melvinia Crescent. A number of the surrounding dwellings stand in generous plots, whereas, the proposed dwellings have smaller garden areas. However, there are a mixture of plots sizes in the area and the gardens exceed the requirements of the SPD.

As such, given the context of variation in local character, and the relatively substantial impression of verdant and spacious suburban character that would remain, the proposal would assimilate acceptably into the neighbourhood in terms of character and appearance.

The design of the dwellings is relatively simple and would sit comfortably within their context, especially given the non-prominent location. The dwellings also front onto the access road to provide active frontages. The site layout is relatively linear given the shape and size of the site but that is also reflective of Woodstock Gardens. Adequate landscaping is proposed to the South of the site, where no dwellings are proposed, which aids soften the development and the existing boundary treatment and retaining structures adjacent to Woodstock Gardens.

There is a mix of parking solutions with side of dwelling parking for plot 1 and front of dwelling parking for plots 2-5. The front of dwelling parking is in groups of 2 spaces with soft landscaping between to soften the hard landscaping and the vehicles when parked. There are also visitor layby spaces proposed adjacent to the Southern boundary which are to be surrounded by substantial landscaping.

Each property has pedestrian access to the rear garden areas which allows wheelie bins to be stored away from more prominent locations to the front of the dwellings.

Given the comments above, the visual amenity of the area would be retained which carries significant weight in favour of the development. The proposal accords with Local Plan Policy D1 and the guidance set out in SPD 'Design of New Housing Development'.

### Highway Safety

As outlined above, access was considered and approved at outline stage, including the non-material amendment that was approved post decision regarding the internal alignment of the access.

2no. parking spaces per dwelling has been proposed, with additional visitor parking, which is in accordance with the requirements set out in SPD 'Parking'. There is also a bin store proposed adjacent to the turning head for use on bin collection days by plots 2-5.

Highways were consulted on the application in relation to the internal road layout and parking provision, apart from a request for a 0.675m wide hard margin to be included, which the applicants amended the plans to include, there were no objections subject to conditions.

Given the comments above, highway safety would be maintained which weighs significantly in favour of the development and accords with Local Plan Policy T4 and SPD's 'Design of Housing Development' and 'Parking'.

### Drainage

The applicants have submitted a Drainage Strategy with the application. Yorkshire Water initially raised some queries regarding surface water disposal, infiltration and whether drainage is gravity fed or pumped. Additional information was supplied by the applicants and consultants which has satisfied Yorkshire Water and they have raised no objections to the drainage strategy proposed, which weighs moderately in favour of the development. The drainage Strategy will be conditioned.

## **PLANNING BALANCE & CONCLUSION**

The principle of residential development for 5 dwellings was established under the outline permission (Ref: 2021/1472). As such, this application focuses on the remaining reserved matters of appearance, landscaping, layout and scale.

In accordance with Paragraph 11 of the NPPF (2024) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on a site suitable for residential development in the Local Plan and this weighs considerably in favour of the application. In addition a suitable layout can be achieved that would be reflective of the character of the area and safeguard neighbouring properties through appropriate separation distances and this weighs significantly in favour of the application.

All other material planning considerations have been fully explored by the appropriate consultees who have raised no objections to the proposal subject to conditions and holistically this weighs moderately in favour of the application.

Limited weight in favour of the application has been afforded to the potential economic benefits generated by the proposal.

The noise and smells associated with equipment used during the construction of the site can be mitigated and controlled by condition and the short term noise and disturbance associated with implementing the planning permission is considered to carry limited weight against the proposal.

Having balanced all material planning considerations, whilst a number of objections have been received in respect to the proposal they have been suitably addressed through the information supplied. 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 subject to suitably worded conditions.

## **RECOMMENDATION**

**Approve, subject to conditions.**

**The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.**