
2022/0361

Mr Ian Owen

Conversion of existing detached garage into granny flat residential annex with associated internal and external alterations including new windows and doors

Ivy Cottage, 14 First Avenue, Royston, Barnsley, S71 4DA

Site Location & Description

The application site is in relation to a detached residential dwelling located on First Avenue in Royston. The front elevation of the dwelling faces West onto First Avenue which is a very narrow access/footpath which is not wide enough for vehicles. The main vehicular access however is off North Road to the East which leads into the associated garden area, driveway and parking area for the dwelling. The majority of the properties located on First Avenue/North Rad have a similar relationship with the Eastern part of the plots being utilise for modest domestic purposes. This is with the exception of a detached dwelling located to the Southern part of North Road. The applicant's dwelling itself was formerly a detached bungalow but has since been amended into a 1 and half storey dwelling with rooms in the roof space and a dormer window, constructed from red brick.

On the front/Eastern boundary line is a detached, mostly completed, but not finished outbuilding which was granted under planning ref. 2020/0363. There is a mid-height boundary wall on the Eastern boundary line.

First Avenue and Front Elevation (Western-Facing)



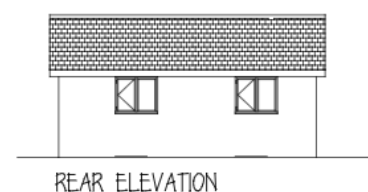
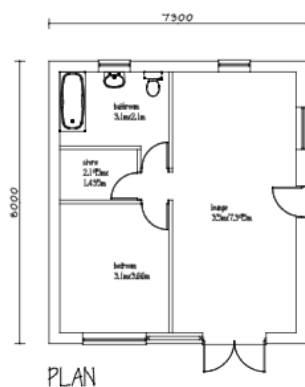
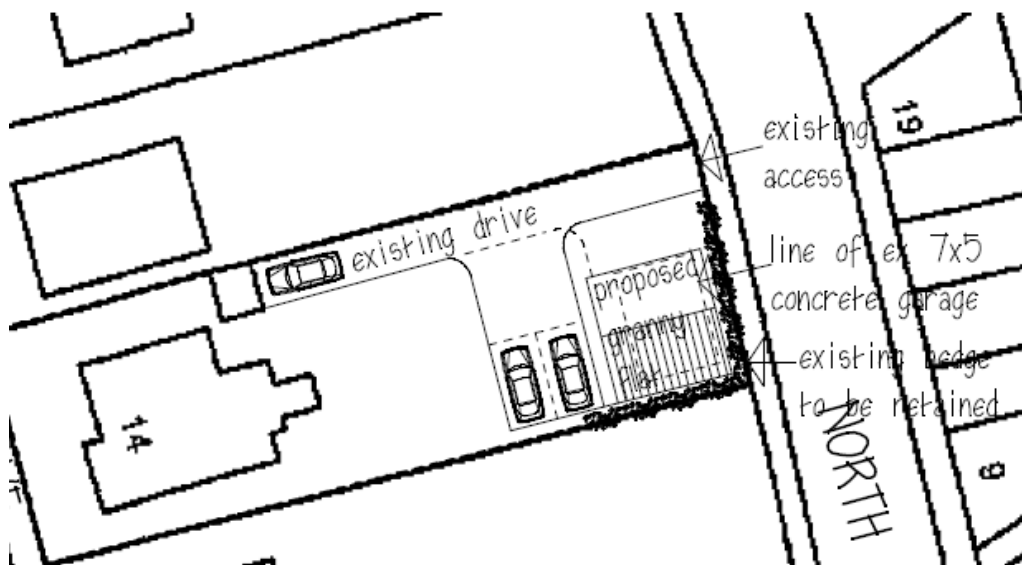
North Road Elevation





Proposed Development

The applicant is seeking approval for the conversion of the existing garage/outbuilding into a residential annex. The annex features 4 rooms: a lounge, a bedroom, a bathroom and a storeroom. The existing structure is not being increased in size measuring 7.3m x 8m, with a pitched roof with a height of 2.25m to the eaves and 4m to the roof ridge at the highest point. The proposed annex features a door and a small window on both the Front (North) and Western side elevation, and 2 x small windows on the rear elevation. An amended block plan has been received which increases the parking provision on site to three vehicles and reinstates a hedge which was removed when the garage was erected – which should have been retained.



Relevant Planning History

2009/1131 – Erection of a dormer bungalow dwellinghouse (Refused)

2010/0455 – Erection of 1 no. bungalow (Resubmission; Refused)

2011/0355 – Raise roof level to form first floor bedrooms and bathroom (Approved with conditions)

2014/0793 – Raising of roof level to form new first floor bedrooms and bathroom (Approved with conditions)

2020/0363 – Removal and existing garage and erection of replacement detached garage (Approved with conditions)

Policy Context

Planning decision should be made in accordance with the local 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 Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

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. 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.

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 achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Within section 12, paragraph 130 is the most relevant which indicates that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Local Plan

The Local Plan (adopted January 2019), alongside the Joint Waste Plan and relevant neighbourhood plans, form the statutory development plan for Barnsley. It establishes policies and proposals for the development and use of land up to the year 2033 and will be

used when considering planning applications and to coordinate investment decisions that affect the towns, villages and countryside of Barnsley. The Local Plan supersedes the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011). In reference to this application, the following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development – sets out principles when considering development proposals.

Policy GD1: General Development – sets out appropriate proposals for development.

Policy D1: High quality design and place making – sets overarching design principles for the borough to ensure that development is appropriate to its context, and improves what needs improving, whilst protecting what is good about what we have.

Policy T4: New Development and Highway Improvement - New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

SPD: House extensions and Other Domestic Alterations

Supplementary Planning Document - House Extensions sets out 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 for should:

1. be of a scale and design which harmonises with the existing building
2. not adversely affect the amenity of neighbouring properties
3. maintain the character of the street scene and
4. not interfere with highway safety.

These policies are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings.

Consultations

Ward Councillors – No comments

Representations

Neighbour notification letters were sent to neighbouring properties; no comments were received.

Assessment

Principle of development

The site falls within the urban fabric which has no specific land allocation; however, the site and immediate surrounding area is made up principally of housing. The SPD has a dedicated section relating to annexes which states that annexes *'may be permitted in a rear garden where it would not occupy a disproportionate amount of the garden and would not have its own separate access or garden area. An annex should normally have a close physical relationship with the host dwelling, be single storey and in all circumstances, it should only have 1 bedroom and no more than 3 rooms in total.'*

The annex has four rooms including the storeroom so technically is not in compliance with the above guidance in the SPD in regard to room number, and it not considered to have a close relationship to the host dwelling (c.18m separation distance at its closest). There is therefore the potential that the garden area could be split into two areas with boundary treatment between them providing physical separation. The annex uses the same access as the host dwelling, but this too could easily be split into two independent accesses. Further, the annex is located c.18m from the closest point of the host dwelling which is not deemed to be '*in close proximity*' as required by the SPD.

Additionally, it is appreciated that the existing structure is being converted but in the Council's opinion, the outbuilding is not being used for its intended purpose, which was approved under 2020/0363. This is shown on the site visit photograph above which indicates that the outbuilding has not been fully completed with none of the openings (including garage door) fitted with windows/doors. Also, several of the openings do not adhere to the approved plans (2020/0363) and it is questionable whether the garage was ever intended on being completed. Indeed, the openings formed on the existing structure appear to relate to the proposed plans for the annex rather than the approved garage. For example, the opening on the Side elevation (Western-Facing) are larger than what was approved for the garage and are a similar shape to openings shown on the proposed annex elevations.

As such, it is considered that the principles of the SPD: House Extensions and Other Domestic Alterations have not been complied with in regard to an annex building in terms of the room number and significant separation distance to the host dwelling. Its likely that the shared garden and parking facilities on site will eventually be split into two which the guidance in the SPD is ultimately to restrict independent residential living. The proposed development, in the opinion of the LPA, will set an unwanted precedent for further incremental development along North Road. The proposed development is not in compliance with the SPD and is not considered to be acceptable in principle.

Visual Amenity

The proposed positioning of the annex is unusual in that it is located technically within the rear garden of the dwelling but is immediately adjacent to the roadside (North Road). This is due to the irregular urban form of the properties on First Avenue and North Road. Typically, annexes which are located in the rear garden of properties are not visible from the road, being screened by the host dwelling and/or appropriate boundary treatment. The SPD has a section for annexes, but the wording alludes to the fact that most annexes are found within regular rear gardens – i.e., curtilage areas which are largely private and not visible from the street.

The Council raise significant concerns with the conversion of the structure into an annex and the impact on the character of the area. The garden/amenity area to the East of the properties is used solely for ancillary domestic purposes with the outbuildings used for parking and storage. The conversion of the outbuilding would introduce an independently used annex to the East of the site, immediately adjacent to the road and visible from the street. It is felt that the annex would be completely against the pattern of development in the area. Whilst each application is assessed on its own individual merits, the Council is also significantly concerned that there are other outbuildings on North Road which could be converted to this type of use. This would further erode the character of the area and go against the general pattern of development. Indeed, the pattern of development of North Road is ancillary domestic areas with modest sized outbuildings which are used for the parking of vehicles and/or general storage. The conversion of the outbuilding into an annex would be wholly out of character with this. It is appreciated that the previous hedging on site

which has since been removed is shown to be reinstated on the plans, but nonetheless the annex would still be visible.

The application site has planning history with two refusals for the erection of a bungalow in a very similar position to the annex - 2009/1131 and 2010/0455 – the latter of which was dismissed at appeal. Whilst the appeal was for the erection of a new dwelling and associated parking and therefore clearly differs from the application, two sections from the appeal decision are considered to be relevant to the assessment of the application:

'The new bungalow and its dominating car spaces would appear incongruous and out of character with the existing street scene and its variety of domestic boundaries. The small garden areas created and the relatively high proportion of each plot developed would also be out of character with the spaciousness of the present layout, and with the low-key ancillary domestic use of the existing rear gardens.'

And;

'I am aware of the existing bungalow fronting North Street to the east of the site, but I understand that the site was not formed from the rear amenity space of a house on First Avenue. Further, that bungalow is closely related to the group of buildings at the end of the street, and I do not believe that its presence there offers support for the current proposal. Further, I consider that approval of this appeal would be very likely to lead to the submission of other schemes on nearby plots, which the Council might find difficult to resist, and whose cumulative effects would further harm the character and appearance of the area.'

The LPA considers that an approval of the application will likely have somewhat of a knock-on effect in that, over time, other outbuildings on North Road will be converted to annexes, the annexes will then be converted to dwellings, and then new dwellings will be proposed. As mentioned in detail above, there are significant concerns with how this will detrimentally impact and significantly change the street scene and character of the area.

Therefore, should the application be approved, there is the very likelihood that the West side of North Road will become a formal residential settlement on its own whereas it is currently used for modest domestic ancillary purposes. This will clearly erode the current character of development in the area and have a detrimental impact on visual amenity. It is considered that the development does not comply with Local Plan Policy D1: High Quality Design and Place Making and the SPD for House Extensions in that it does not respect, take advantage of or reinforce the character of the local area. The proposed development is therefore considered to be unacceptable on visual amenity grounds.

Residential Amenity

As covered in the principle of development section above, the Council raises significant concern about the likely future sub-division of the site separating the host dwelling and the annex. The retained garden area is of a sufficient size for a single residential living space but to be is considered to be insufficient to be shared between two independent living units. Additionally, it is considered that the occupants of the annex will also experience an increase in noise and general disturbance with the additional vehicular movements and residential activity within the site. This is contrary to the requirements of Local Plan Policy GD1 which states that the amenity of existing and future residents must be protected.

The proposed annex utilises the existing garage structure without extending it or significant alteration. The only notable alterations are changes to the openings with the front, side and rear elevations all containing habitable room windows in close proximity to the boundary

lines. Most notably, the front elevation is c.6.5m from the Northern boundary line and the side elevation looks onto the rear elevation of the neighbouring property at no. 16. The separation distance to the rear elevation of no. 16 is c.20m which is slightly less than the minimum required distance of 21m, but this is not considered to result in a detrimental impact on the privacy of this property. The front-facing window is at a close proximity but there is boundary trees on the northern boundary line with several scattered trees, one of which is mature and provides significant screening. There is also the possibility for future privacy to be protected through the introduction of a 2m high boundary fence. Considering this, the annex is not considered to lead to a significant increase in overlooking to neighbouring properties.

The structure is not being enlarged and will therefore not have a detrimental overshadowing or overbearing impact on the neighbouring properties.

The proposed development is considered to be contrary to the restrictions of Local Plan Policy GD1: General Development and the SPD for House Extensions in that does not protect the residential amenity of occupants of both the host dwelling and the annex and will have an adverse effect on the living conditions of existing and future residents.

Highway Safety

The proposed annex utilises the existing access into the site and an amended block plan has been submitted which shows additional parking on site taking the number to 3 off-street parking spaces. The Council's SPD for parking or house extensions and alterations does not require additional spaces for annexes but just generally requires at least 2 spaces for dwellings containing 3+ bedrooms. This policy has been met and the LPA does not have any significant concerns to raise in regard to parking or highways safety, which will be similar to the approved garage/application. The proposed development is in compliance with Local Plan Policy T4 and SPD for Parking and is acceptable in terms of highway safety.

Conclusion

The Local Planning Authority has raised significant concerns with the application in regard to three main areas of concern – the principle of development, visual amenity and residential amenity and the application is recommended for refusal for the following reasons:

1. In the opinion of the Local Planning Authority, the proposed annex does not constitute ancillary accommodation to the host dwelling (Ivy Cottage, 14 First Avenue, Royston) due to its size (room number) and the separated relationship with the host dwelling, which presents the clear possibility that the access and garden area is to be separated into two areas to allow for independent living with a lack of reliance upon the host dwelling. The consequence of this, alongside the small size of the plot and shared site layout is not considered to protect the residential amenity of the existing and future occupants of both the host dwelling and the annex through lack of privacy, increase in noise and general disturbance contrary to the requirements of the Supplementary Planning Document (SPD) - House Extensions and Other Domestic Alterations and Local Plan Policy GD1 - General Development.
2. The proposed annex is contrary to the SPD House Extensions as well as LP Policy D1 - High Quality Design and Placemaking in that it represents an incongruous and intrusive change to the pattern of development on North Road, which is wholly out of character with the area and in turn would have a detrimental impact of the visual amenity of the Area. Additionally, the proposed development would set a precedent for further negative developments to the street scene that the Local Planning Authority would struggle to resist to the detriment of the local area.

Recommendation

Refuse