2017/0432

Mr Kularajah Shayam

Alterations to building including demolition of rear extension and erection of two storey rear extension, formation of flat above shop and installation of new shopfront.

122a Snape Hill Road, Darfield, Barnsley, S73 9LR

Site Description

The site for the proposed development is a property on corner plot along Snape Hill Road in Darfield. The property is currently in use as a local convenience store, Shayam Stores, and is situated at the end of a row of terraced properties.

The building of a stone construction, with a slate tiled hipped roof and signage on the front and corner elevation. Along the western elevation is an access road to the rear of the store and adjoining terraces. The area is characterised by similar terraced properties that are of similar material construction. There are other commercial premises on the ground floor of nearby properties as well as a recent development on the corner of Snape Hill Road and Upperwood Road.



Proposed Development

The applicant is seeking approval for the erection of a two storey rear extension to the convenience store, replacing the existing single storey extension, and the subsequent conversion of the area above the shop into residential accommodation.

The extension will have a rearward projection of 3.65m; but is of a trapezium shape, meaning that it will project along the rear elevation of the property by 6.2m at the rear elevation and by 4.2m at its furthest projection. The extension will have a lean-to roof coming off the rear elevation, with a height to the eaves of 4.8m and a ridge height of 6.2m.

Matching brickwork and roof materials are proposed.

N.B.: On 07/06/17 the design of the proposal was amended; the sideways projection of the extension was reduced to 4.8m along the rear elevation of the property and 2.8m at its furthest projection, which is the width of the existing extension.

N.B.B.: On 13/7/17, the design was amended a second time, with the internal layout adjusted so that the bedroom was at the front of the property and the kitchen and living area on the side. This was to prevent any issues of overlooking onto the rear of the dwellings at 2 & 4 Upperwood Road.

Policy Context

UDP Housing Policy Area

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise and the recently introduced NPPF does not change the statutory status of the development plan as the starting point for decision making.

The Council has submitted its emerging Local Plan to the Secretary of State but it is at an early stage in the examination process. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The emergent policies of the Local Plan that are attributable to this development are GD1 and D1. In general they resonate with the requirements of Core Strategy Policy 29.

CSP 25 – New Development and Sustainable Travel states that new development will be expected to be located and designed to reduce the need to travel, be accessible to public transport; meet the needs of pedestrians and cyclists. New development should also provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and

disabled people, and should not provide more than the maximum number of car parking spaces set out in SPD.

CSP 26 – New Development and Highway Improvement states that new development will be expected to be designed and built to provide safe, secure and convenient access for all road users.
Core Strategy Policy CSP 29 sets out the overarching design principles for the borough to ensure that development is appropriate to its context. The policy is to be applied to new development and to the extension and conversion of existing buildings.

CSP 40 'Pollution Control and Protection' – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural or built environment or to people.

Supplementary Planning Documents (SPD) – Designing New Housing Development states that conversion of buildings to dwellings will be allowed where the following criteria are satisfied:

I. The building and curtilage are of sufficient size to provide suitable facilities for residents.
    a. In the case of dwellings, the garden sizes and external separation distances should reflect the requirements set out in the general criteria and meet internal spacing standards.
    b. In all cases, internal spacing standards should meet the requirements set out in the general criteria.
II. There will be no unacceptable noise nuisance for either existing neighbouring residents or occupants of the proposed residential unit(s)
III. Satisfactory provision is made for off-street car parking in accordance with the Council's standards or, exceptionally the development is considered unlikely to give rise to unacceptable conditions of congestion or safety on the adjoining public highway(s) by reason of inadequate off street car parking
IV. The appearance of the building or its curtilage would not be altered to the detriment of the visual amenities of the area.

SPD – Parking supplements Core Strategy Policy CSP 25 New Development and Sustainable Travel and sets out the parking standards that the Council will apply to all new development.

South Yorkshire Residential Design Guide –Technical Requirements section 4A.2 sets out the internal space requirements for new development.

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.

Provisions under 'The Town and Country Planning (General Permitted Development) (England) Order 2015'

Under Class G of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, development consisting of a change of use of a shop to a shop with up to 2 flats above can be undertaken as permitted development. This means it is not necessary to submit a planning application because the Government considers the impact of such development to be modest. This is an important consideration with this application as it represents a potential fall-back position whereby the first floor could be used for residential purposes but without the extension.

Consultations

Drainage – No objections to proposal

Highways DC – No objections to proposal, subject to conditions

Pollution Control – No objections to proposal

Ward Councillors – No comments received

Yorkshire Water Services Ltd – No comments received.

Representations

Notification letter were sent to surrounding properties. Several letters of representation have been received. The objections raised were:

- The development will affect access and parking to the rear of the terraced properties adjoining the site; with parking spaces being indicated on the access along the property and turning area to the rear.
- Effect of visiting construction vehicles on the accessibility of the area to the rear of the properties for existing occupants.
- The provision of parking would impede access for the existing residents at the site as well affecting traffic flow along the access.
- The applicant does not own or have a right to use the access road for the creation of parking spaces. The access must also be kept clear at all times
- Large amount of dust, dirt and debris being deposited around the site during construction, to the detriment of neighbouring properties
- Potential demolition of the existing gated access to the yard at the rear of 118-122 Snape Hill Road.
- No facilities ae provided for bin storage for both the commercial unit and the proposed flat.
- Potential increase in levels of overlooking from the proposed rear window onto the rear of the properties at Verona Rise.
- Loss of outlook from windows at adjoining property as well as increase in levels of overshadowing onto neighbouring dwellings.
- The area cannot accommodate further residential development
- The plans indicate 3 no. air conditioning units, which are not in the description of the proposal. Permission should be sought for the installation of these units and a noise impact assessment carried out.

An additional comment was submitted in regards to the 'Party Wall Act 1996' and its relevance to the boundary wall. However; this act only provides a framework for preventing or resolving disputes in relation to party walls, party structures, boundary walls and excavations near neighbouring buildings; as well as requiring anyone intending to carry out work to give adjoining owners notice of their intentions. It is not a material planning consideration and so cannot form part of the assessment of the proposal.

A further comment was made which requested that the window on the rear elevation be obscurely glazed and that no construction work is to be carried out before 8am Mon-Fri and 9am Sat.

Issues over land ownership and rights to access are a civil matter between the applicant and the neighbours and, as such, are not a material planning consideration and so cannot be considered in the assessment of the proposal. The plans do not indicated the demolition of the existing gate onto the site however; any issues over its removal would be a civil matter and is not a material planning consideration.

The air condition units are already in situ at the site and are not part of the application. Pollution Control originally requested a Noise Impact Assessment but after being informed that the units were already in place, withdrew this request and raised no further objections.

Increases in levels of dust, dirt and debris would be a temporary effect of the development whilst it is being constructed and so will not have a significantly detrimental effect on the amenity of the neighbouring properties in the long term.

Assessment

Principle of Development

The site is situated within a Housing Policy Area and as such local planning authorities are encouraged to approve change to residential use as this type of development can play an important role in ensuring the vitality of centres. The proposal involves the conversion and change of use of the space above the existing commercial unit and so is consistent with the intentions of these policy statements.

The building also has a commercial aspect to which the proposed rear extension relates and extensions to existing businesses are considered acceptable providing they do not impact on residential amenity, highway safety and are of suitable design.

Residential Amenity

Under Class G of Part 3 of the GPDO, the space above the existing shop could be converted into either one or two flats without planning permission and so its effect on neighbouring properties would be out of the control of the LPA. Therefore, given this fall-back position it is primarily the impact of the rear extension, rather than the use, which needs assessing when establishing the likely impact on neighbouring properties.

Extensions are considered on the basis of overshadowing, loss of privacy and outlook. A letter of representation was received which raised concerns that the extension would have an overbearing effect on the adjoining property as well as increase overshadowing onto habitable room windows.

As the extension was projecting closer to the boundary with the adjoining property, it was considered that it would detrimentally affect the habitable room window at first floor level, as well be overbearing. Since the design has been amended, with the extension no longer projecting closer to the boundary, it mitigates the overbearing effect on the neighbouring property.

In terms of overshadowing, the adjoin property is already overshadowed to a certain extent due to its position in relation to the path of the sun. The proposed extension will have a lean-to roof coming off the rear elevation and sloping downwards towards the end of the extension. This helps to lessen the impact of any overshadowing, as well as retaining outlook from the first floor window. Therefore, on balance, the proposal is considered acceptable. Any further overshadowing would mainly fall onto a blank wall and predominantly solid door.

Two other representations were received in regards to potential overlooking onto the properties at Verona Rise. A distance of approx. 10m is retained to the rear boundary of the dwellings at Verona Rise, as well as approx. 22m from habitable windows at first floor level. Furthermore, the proposed window at the rear of the extension is for the bathroom and so overlooking is unlikely to be an issue.

There was also potential for an increase in levels of overlooking onto the properties at 2 & 4 Upperwood Road, due to a habitable room window being located on the side elevation that faces them. However, since the amended plans have now shown that the bedroom has now moved to the front of the property, overlooking will not be an issue.

A condition will be attached stating that the window on the rear and the two windows on the side elevations should be obscurely glazed at all times' to help prevent any overlooking.

SPD – Designing New Housing Development, requires that all developments should achieve the internal spacing standards set out in the South Yorkshire Residential Design Guide (SYRDG) – Technical Requirements section 4A.2, (p130-131). A comparison of the proposal with the standards is set out in the table below (measurements in m^2):

Internal Space Standards	3 Bed/4 Person	122a Snape Hill Road	Variance
Double Bedroom 1	12	13.32	1.32
Double Bedroom 2	12	30.09	18.09
Double Bedroom 3	12	26.15	14.15
Total	36	69.56	33.56
Kitchen/Dining	11	16.65	5.65
Living Room	15	31.52	16.52
Bathroom	3.5	14.82	11.32
Storage	4.5	0	(4.5)
Total	34	62.99	28.99
Overall	70	132.55	62.55

The table indicates that there is a net positive between what is proposed and the required standards; meaning that the occupants of the proposed new dwellings will be afforded

adequate level of amenity by virtue of the size and layout of the property. Whilst no storage is provided, the amount of extra space within the property means that additional storage can be installed by future occupants.

The proposal is therefore considered to be in compliance with policy and is acceptable.

Visual Amenity

The extension is set well back from the highway but is partially visible from public vantage points. The existing property is of a stone construction, with the rear single storey extension of a red-brick construction. The proposed new extension will have brickwork materials that match the existing extension and although these do not match with the original dwelling; the extension is set far enough back from the highway so as not to be too detrimental to the visual amenity of the area.

The height and projection of the extension, combined with the design of the roof pitch mean that it is unlikely to become a dominate feature within the street scene. Whilst it does project slightly beyond the building line of the neighbouring properties, it is not considered to be detrimental to their amenity. The roof pitch is considered to be acceptable for this type of extension and helps to limit some of its impact.

Therefore it is considered that, on balance, the proposal is in compliance with Core Strategy Policy CSP 29 and SPD – House Extensions. As such, is acceptable.

Highway Safety

The submitted plans indicate that parking will be provided adjacent to the western elevation of the property and at the rear of the access road to the neighbouring properties. Several of the representations received make reference to this, stating that it is not appropriate for vehicles to be parked there as this could cause access and highway safety issues. One letter stated that the area at the rear of the access is used as a turning space however; during a site visit on 05/05/17, it was noted that two cars, which belong to residents, were parked in this turning area and it is likely that this is normally the case.

Under Class G of Part 3 of the GPDO, the space above the existing shop could be converted into either one or two flats without planning permission. This implies that the Government is satisfied that creation of residential accommodation above shops can be tolerated from a highway safety/transportation perspective without the need for a detailed assessment even if this resulted in an increase in on street parking. In such a scenario any parking issues that could arise from a residential use would be out of the control of the Council and this is a relevant fall-back position when considering the parking implications of this application. In addition, the proposed extension doesn't result in loss of existing parking spaces.

The rear of the adjacent properties can still be easily accessed despite parked cars on the access road and sufficient space is provided for vehicles to pass safely and enter/exit the highway in a forward gear. Highways DC have raised no objections to the scheme, subject to a construction method statement being submitted and approved prior to commencement.

Furthermore, the site is viewed as a sustainable location for residential development and is served by public transport links to Barnsley and surrounding area, providing an alternative to car usage.

Objections have been raise by residents who are concerned that the proposal would contravene aspects of their deeds or private rights of access. However; private issues between neighbours such as land/boundary disputes, covenants, private rights of access etc. are not considered to be material planning considerations and therefore cannot be taken into account when assessing this proposal.

The proposal is therefore considered acceptable on highway safety grounds.

Recommendation

Approve – subject to conditions