

**2023/1082**

Mr Gavin Shaw

Erection of a detached dwelling

58 Aldham House Lane, Wombwell, Barnsley, S73 8RG

### **Planning History**

2023/0125 - Erection of new dwelling house – Withdrawn

### **Site Description**

The site is currently used as a side garden/parking area to number 58 Aldham House Lane, which is a semi detached dwelling. The dwelling is set within a triangular shaped plot with access provided off Aldham House Lane. The northern boundary of the property faces onto woodland protected as part of the Great Stubbing housing development set to the north. The trees overhang the applicant's site and are relatively young specimens. Aldham House Lane is a varied street scene, with semi-detached two storey dwellings set to the east and detached bungalows set to the west.

The site currently contains a static caravan which is set to the site frontage and does not have the benefit of planning permission. A timber fence can also be seen along the site frontage which is over 1m in height and again, does not have the benefit of planning permission.

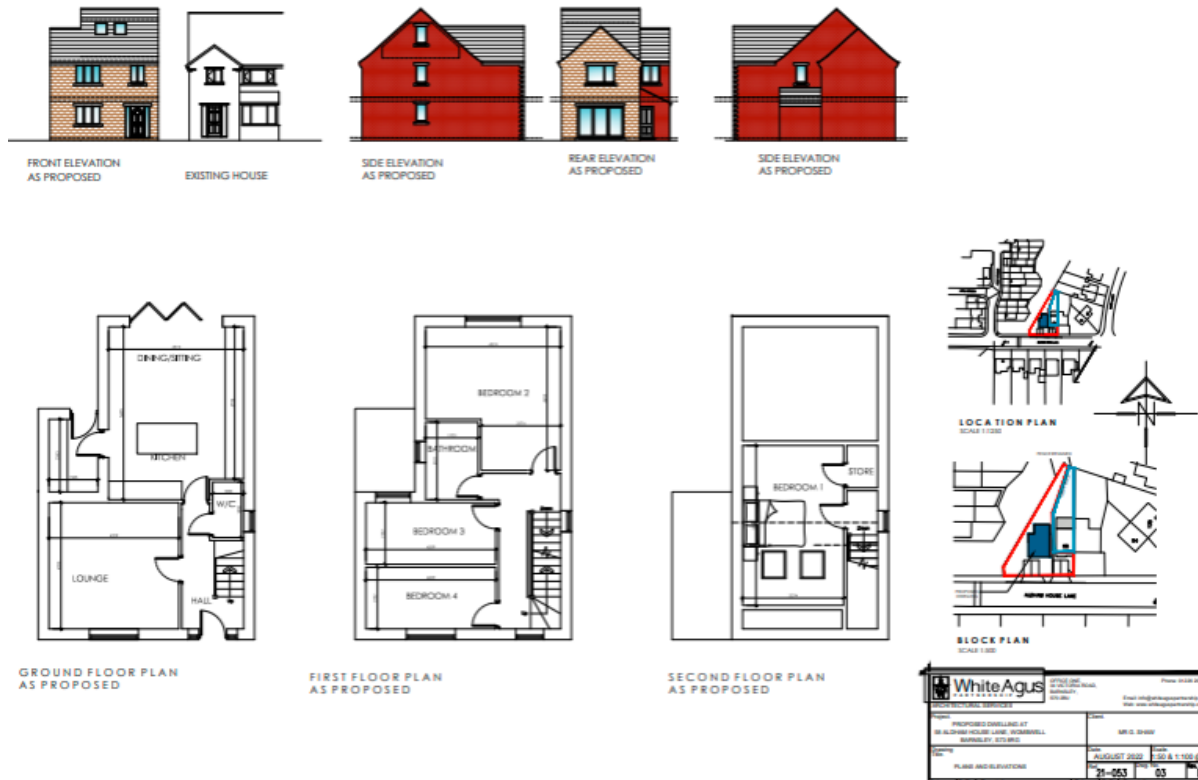


### **Proposed Development**

The applicant seeks permission to erect a 4 bedroomed detached, two storey dwelling, with rooms within the roofspace on the site, which is currently used as a side garden/parking area to number 58. The dwelling would be constructed from stone and brick as per the drawings with a grey tiled pitched roof. Two rooflights are shown to the front roof slope.

The property would have 2 parking spaces in the front garden of the new dwelling with an access off Aldham House Lane. The existing rear garden to number 58 would be split into two, with parking shown for the existing dwelling to the front and long thin rear gardens for both properties. The plans show that the proposed dwelling would have a slightly higher roof pitch than the existing dwelling, and the dwelling would be set forward of the front elevation of number 58.

The plans show an inaccuracy in that the north point is in the incorrect location, however the plans are clear enough to make an assessment of this proposal regardless of this error on the plans.



## 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 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.

The site is set within Urban Fabric as shown on the Local Plan Maps, therefore the following policies are of relevance:-

GD1 'General Development' provides a starting point for making decisions on all proposals for development setting out various criteria against which applications will be assessed.  
H4 Residential Development on Small Non-allocated Sites, proposals will be supported where they are located on previously or part developed land, are within a village, are accessible and have good access to a range of shops and services.  
H9 'Protection of Existing Larger Dwellings'  
T3 'New Development and Sustainable Travel'  
T4 'New Development and Transport Safety'  
D1 'High Quality Design and Place Making'  
Poll1 'Pollution Control and Protection'

### SPD's

-Design of Housing Development  
-Parking

### 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. 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.

### **Consultations**

Tree Officer – Objects

Ward Councillors – The following comments have been received from the Ward Cllrs, Frost, Higginbottom and Eastwood-

- I've no objections to the development but would like to see an arboricultural method statement to be included in the conditions
- No objections to the proposals but need to keep a close eye on any protected trees on site during the build!
- I agree with my Colleagues and we must keep a very close eye on this

Highways – No objection subject to conditions

Yorkshire Water – No comments received

Drainage – Details to be checked by Building Control

Pollution Control – No objections subject to condition

## **Representations**

Neighbour notification letters have been sent to neighbouring properties. No comments have been received as a result.

## **Assessment**

### Principle of development

The site is located within an area of Urban Fabric where Local Plan Policies GD1 'General Development' and H4 'Residential Development on Small Non-allocated Sites' apply. These require that development should be compatible with its surroundings, in this case the street is largely residential and as such the use of the site for residential uses would be in keeping with the locality, subject to compliance with the relevant Local Plan Policies.

In addition to the above, as the site is considered to be an infill plot, the following section of the Supplementary Planning Document, Design of Housing Development states that:-

### *Infill Development*

Dwellings should be orientated to have a frontage to the existing public highway. Sides and backs and garages should be sensitively located so the frontage of the new development integrates with the existing street scene.

- The space between the proposed dwelling and adjacent dwellings should reflect the prevailing character of the street.
- The siting of the dwelling should reflect the building line of the dwellings on the same side of the street.
- The eaves and ridge heights of dwellings should usually be comparable with the heights of adjacent dwellings.
- Parking provision should be accommodated in a similar manner to how it is accommodated elsewhere on the street (e.g. if existing dwellings are set forward on their plots with parking at the side, the proposed dwelling should not be set back with parking at the front).
- Architectural features, fenestration and materials should reflect the positive elements elsewhere on the street.

Infill development should not be piecemeal so as to prejudice potential comprehensive development of a larger area of land.

- Landscaped features such as trees, particularly those prominent in the street scene, should be retained and provided with sufficient space for future growth.

### Visual Amenity

Local Plan Policy D1 High Quality Design and Place Making, sets out the principles that will apply to the consideration of planning applications for new housing development, including conversions, infill and backland development.

The dwelling will be a brick built detached dwelling with a garden to the rear and parking area to the front. It has been designed roughly to be in keeping with the adjacent semi-detached property and constructed from similar materials.

Whilst the scale and design of the property is not a concern, the siting of the dwelling raises concerns that the proposal would be forward of numbers 58 and the adjoining property, which would not follow the established building line and would appear at odds with the immediate

neighbours. The dwelling may be in line with number 1 Great Stubbing, however this is some distance away and would not be seen in conjunction with this property. This is contrary to the SPD Design of Housing Development which states that 'the siting of the dwelling should reflect the building line of the dwellings on the same side of the street.'

Given the above, the siting of the dwelling is considered to be unacceptable and would be set forward of the established building line and would be an incongruous feature within the street scene, contrary to policy D1 of the Local Plan and the SPD Design of Housing development.

### Impact upon trees

As the application site is set adjacent to TPO'd trees, a Tree Survey has been submitted with the application and the Tree Officer has been consulted.

In relation to development and the impact upon existing trees the SPD states in relation to infill plots that:- 'Landscaped features such as trees, particularly those prominent in the street scene, should be retained and provided with sufficient space for future growth.' It also states the following:

"Plans which show the retention of high value trees or hedgerows which are too close to buildings, roads, or drainage systems or will be affected by alterations in ground level will not be approved. Sometimes it can take several years for damage to a tree caused by development to be apparent, and in other cases future residents may wish to remove trees that are too close to their dwelling, for instance due to the overshadowing of windows or leaves dropping in gutters or on car parking areas. In considering planning applications, the Council will seek to avoid such long term problems arising as well as ensuring that the development does not lead to the unnecessary direct removal of trees and hedgerows"

In addition to the above, policy GD1 of the Local Plan states that:- 'Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.'

The Tree Officer has considered the plans and the documentation and has made the following comments:-

The site is located next to a small relatively young protected woodland. The trees within this small woodland TPO are currently quite young but already overhang the site and their canopies would be close to the new dwelling as it is currently proposed. Although it would be feasible to build the dwelling at present without any significant impact I do have significant reservations as to the proximity of the TPO trees to the dwelling, particularly given the trees high growth potential. The current close proximity means that as the trees develop and grow they will begin to impact on the proposed new dwelling and future pressure on the trees appears inevitable. This is inappropriate in itself, however given that the trees are protected and significant works which would be detrimental to the trees could never be considered appropriate to alleviate any issues which may be encountered makes this an insurmountable issue from my perspective.

The trees (as noted) are protected by a Woodland Tree Preservation Order and as such all the trees along with any successional new trees (planted or natural succession) are protected. As such the woodland will remain in perpetuity and as such the issue of overhang and future conflict between the trees and the proposed new dwelling is almost inevitable and will be continuing. Therefore I must object to the proposed new dwelling due to the potential future pressures on the protected trees and the potential future conflict caused as the protected trees grow and mature.'

The construction of the dwelling will increase the future pressure for the group of trees to be pruned by virtue of how close they are to the northern elevation. There are also a number of habitable room windows which will be affected by a potential overbearing/overshadowing and loss of light from these trees.

Whilst it is appreciated that it would be subject to separate consent to fell/prune these trees, a consideration of the proposal is that the proposal must function as intended over its lifetime and it is considered that the future living conditions which would be impaired by the trees to the north.

Unfortunately, given the size of the site, the scheme could not be amended in a way that would make it acceptable. The site is constrained by its size, being wider at the front before tapering towards the rear. If the dwelling was narrowed it would then appear at odds with the character of the area, as would attaching the dwelling to the existing properties. Therefore the development of the site for this additional dwelling would be harmful to the existing TPO'd trees and would result in a future pressure to fell or prune. In addition, the property itself and the garden area would be significantly overshadowed, which is contrary to Local Plan Policy GD1 and the SPD Design of Housing Development.

### Residential Amenity

The Supplementary Planning Document 'Design of Housing Development' provides guidance in terms of separation distances and other amenity requirements, in order to ensure that any new development does not cause significant impact by way of overlooking, overbearing and overshadowing of existing dwellings and their private gardens. Further detailed guidance on residential development is provided in the South Yorkshire Residential Design Guide. The Guide includes information requirements, design guidelines and technical requirements.

The application has been assessed in relation to the Supplementary Planning Document – Design of Housing Development Adopted May 2019) and the South Yorkshire Residential Design Guide (2011). The proposed layout achieves the Councils minimum amenity standards which are set out in the SPD Design of Housing Development and as a result the new dwelling will not overshadow or overlook any existing dwellings or the adjacent dwelling as it is set at a lower level and parallel to it. There are no habitable room windows proposed to the side elevation which will overlook the neighbouring property.

The South Yorkshire Residential Design Guide (adopted 2011) provides technical requirements in terms of amenity spacing standards for both internal and external arrangements. In terms of internal spacing, the dwelling has sufficient room sizes and internal accommodation.

In terms of external space the rear garden, whilst it is long and narrow, it does provide sufficient amenity space of 60sqm. There is also sufficient amenity space left for number 58. It is felt that due to the tiered nature of the garden and limited area surrounding the property, that Permitted Development Rights should be removed in order to protect the amenity space from overdevelopment.

As stated above within the Tree Section of this report, the adjacent trees would have a negative overshadowing impact and a loss of light impact upon the property itself and the garden area would be significantly overshadowed, which is contrary to Local Plan Policy GD1 and the SPD Design of Housing Development.

### Highway Safety

The Highways Officer has been consulted and states:- 'From a highways point of view, the proposals are largely the same as those of App. No. 2023/0125; it is proposed to erect a new dwelling within the existing garden area of no.58 Aldham House Lane, the proposals include two off-street parking spaces each for both the existing and proposed dwellings with parallel frontage parking being provided. The parking arrangements will require the widening of the existing dropped kerb to accommodate the new dwelling and the creation of a new dropped kerb to provide the parking spaces to the front of no.58.

Within the vicinity of the site, Aldham House Lane is entirely residential and the majority of properties have off-street parking provision via means of driveways providing tandem parking.'

As such, it is considered that the proposals do not adversely impact upon the highway and are therefore acceptable from a highways perspective subject to conditions, in accordance with Local Plan Policy T4.

### **Recommendation**

**Refuse**