

**Application Reference:** 2025/0103

**Site Address:** 10 Broad Gates, Silkstone, Barnsley, S75 4HD

### **Introduction:**

This application seeks full planning permission for the removal of rear conservatory, and erection of single storey rear extension to dwelling.

### **Relevant Site Characteristics**

The site is situated within the village of Silkstone which is north of Silkstone Common. The area is predominantly residential in character with the dwellings consisting of mainly detached, semi-detached terraced homes. There are a small number of commercial properties including a few pubs, the Pot House Hamlet Garden centre and the Asda petrol station to the south on Barnsley Road. Silkstone is West of Barnsley Town centre and is connected via road links, the nearest train station is Silkstone common which is approximately 0.93 miles away from the application site.

The development property is a detached dwelling house which benefits from off street parking and has a rear garden. The site is directly adjacent to a public footpath which has a number of trees, which are identified to be Council owned, and is identified as a public open space.

### **Site History**

No recent or relevant site history.

### **Detailed description of Proposed Works**

The applicant has proposed the removal of the rear conservatory, and erection of single storey rear extension to dwelling. The extension would have two natural roof lights on the roof of the extension, During the course of the application the plans were amended to show a proposed a cantilevered balcony at the rear of the new extension. The proposed plans show an extension which would measure approximately:

- 4.1m (L) x 3.9m (W) x 2.3m (Height to eaves) x 2.6m (Height to flat roof) x 3.25m (height to top of roof light).

During the application the LPA noticed a discrepancy with the information that the applicant had submitted. The applicant had filled in the application form and stated that there were no trees or hedges on the property or an adjoining property which are within falling distance of the proposed development. After assessing the site, the Planning Officer observed that there were mature trees directly adjacent to the proposed development. As such the Council's Tree Officer was consulted and they confirmed that a tree survey and arboricultural impact assessment should be undertaken. Contact was made with the applicant to ask for this information. The applicant has provided some limited details but this is not considered to be a full tree survey and arboricultural impact assessment as requested.

It should be noted that the applicant has sent across photographs of the site (with no time stamps) which show the conservatory having been removed from site.

## **Relevant policies**

### The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

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 following Local Plan policies are relevant in this case:

- Policy SD1: Presumption in favour of Sustainable Development.
- Policy D1: High Quality Design and Place Making.
- Policy GD1: General Development.
- Policy BIO1 Biodiversity and Geodiversity
- Policy T4: New Development and Transport Safety

### National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The most relevant sections are:

Section 2 - Achieving sustainable development

Section 4 - Decision making

Section 12 - Achieving well-designed places

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

### Supplementary Planning Guidance

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The most pertinent SPD's in this case are:

- House extensions and other domestic alterations
- Parking
- Trees and Hedgerows

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

### **Consultations**

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website.

No representations have been received.

Parish Council - No comments received

Tree Officer – The Tree Officer has requested that a tree survey and arboricultural impact assessment is undertaken. They have stressed the importance of these being carried out as the site is directly adjacent to Council owned trees.

### **Planning Assessment**

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**

The site falls within the urban fabric of Barnsley. 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.

### Trees

During the application the LPA noticed a discrepancy with the information that the applicant/agent had submitted. The applicant had filled in the application form and stated that there were no trees or hedges on the property or an adjoining property which are within falling distance of the proposed development. After assessing the site, the Planning Officer observed that there were mature trees directly adjacent to the proposed development. The trees were

identified as being Council owned and a public open space asset (ID. A00903). As such the Council's Tree Officer was consulted and they confirmed that a tree survey and arboricultural impact assessment should be undertaken. Contact was made with the applicant to ask for this information, however the applicant/agent stated that they will not be submitting the information. The Planning Officer stressed the importance of this information and sent the Tree Officer's comments across. The applicant has remained adamant that they will not be supplying the information as they argue that there is an existing conservatory, which is to be removed. The Tree Officer highlighted that the removal/demolition of the existing conservatory along with the other works, including moving the stairs along with the erection of the proposal can all have a detrimental impact on the trees. The trees border the site and as such it is not just that there may be harm to the branches but the roots as well. They have changed the plans slightly to have a cantilevered balcony at the rear of the extension; however this doesn't negate the fact that there could still be a detrimental impact on the neighbouring trees.

After further discussions with the applicant, the applicant provided additional details, and this was forwarded onto to the Tree Officer for their comments. This information was compiled by the agent rather than a suitably qualified arboriculturist and as such is missing basic details such as documenting the trees, their locations, their species, their height, their stem diameter etc. The Tree Officer concluded that the document that was provided has no real practical use in terms of assessing the constraint the trees pose in relation to this application. The requested arboricultural impact assessment has not been provided in any suitable form to properly assess the impact on the trees.

Despite on the surface appearing a relatively simple site, and the potential issues appearing to be equally as simple to resolve via the provision of the required information, the requests to provide this information were rejected. The pictures provided along with the 'tree survey' clearly demonstrate some of the issues we wanted to avoid such as compaction and excavation close to the trees. These pictures also clearly demonstrate why the documents were requested to ensure impacts such as these were minimised or eliminated wherever possible going forward.

Given the lack of information submitted with the application meaning it could not be fully assessed, along with the photos showing the impacts on the trees already, and therefore why this information is required to avoid further impacts on these off-site trees, the Council's Tree Officer has stated that they have no option but to object to this proposal.

Ultimately it is the responsibility of the applicant to provide the information required to properly assess an application. The proposal therefore fails to demonstrate how existing trees will be protected and retained where appropriate. The development is consequently contrary to Local Plan Policy BIO1 (Biodiversity and Geodiversity), and Policy D1 (High Quality Design and Place Making). It is also inconsistent with the aims of paragraphs 131 and 180 of the National Planning Policy Framework (NPPF) which emphasise the importance of trees in contributing to the quality of the environment and biodiversity.

#### Scale, Design and Impact on the Character

The applicant has amended the plans to argue their point of not providing the necessary information required by the Tree Officer. They have made changes to the design slightly to have a cantilevered balcony at the back. Both designs which the applicant submitted would be considered to be acceptable and would not be out of character for the area. Multiple properties in the area have rear extensions which are larger than the one proposed, this extension would

be replacing an existing conservatory at the site. The applicant has stated that the materials would be matching the existing dwelling house and as such this aspect of the proposal would be acceptable.

#### Impact on Neighbouring Amenity

The proposed extension would not a negative impact on the neighbouring amenity the extension would be set to the rear left of the property. This side of the property neighbours the boundary which has trees in close proximity. As such the scheme would not overlook any neighbours and would not breach the 45- degree code and therefore would be acceptable from an amenity standpoint.

#### Highways

The proposed rear extension would not result in the reduction in length of the driveway and the loss of access. The Council's highways Officer has not been consulted upon as there is not going to be any changes or impacts on highway safety. As such the proposal would be acceptable from a highway's perspective.

#### Planning Balance and Conclusion

Whilst many of the reasons given above, comply with the relevant plan policies the applicant has failed to provide the mandatory information which should have been provided on submission of this application. The applicant has failed to provide a tree survey and arboricultural impact assessment which was requested on multiple occasions and the importance of which was explained. As such the application cannot be accurately assessed to ensure that it complies with national and local planning policies. Therefore, this application should be refused.

#### **RECOMMENDATION: Refuse**

#### **Justification**

#### **STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

It has been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

**Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.**