

Applicant: Mr Kasim Siddique

Description: Demolition of existing side extension at 102 Sackville Street and erection of 2no bungalows to rear with associated works

Site Address: 102 Sackville Street, Barnsley, S70 2BX

Site Location and Description

The application relates to a rectangular site measuring approximately 600m². The site has been cleared and currently accommodates mounds of earth. It is located within a backland area to the rear of 2 storey residential properties fronting Sackville Street. The site is accessed from Sackville street via an existing driveway which is situated between 2no. properties and is below an existing fly over extension.

The immediate area is predominantly residential in nature with the properties fronting Sackville Street to the East to the North East, dwellings fronting Keir Street and Keir Terrace to the South, dwellings fronting Loxdale Gardens (on a lower level) to the West and South West and a construction site for a detached bungalow to the North, with a trainline beyond.

Site History

2014/0534 – erection of 3 detached garages – refused

2015/0821 – Conversion of garage to form an extension to HMO – Refused

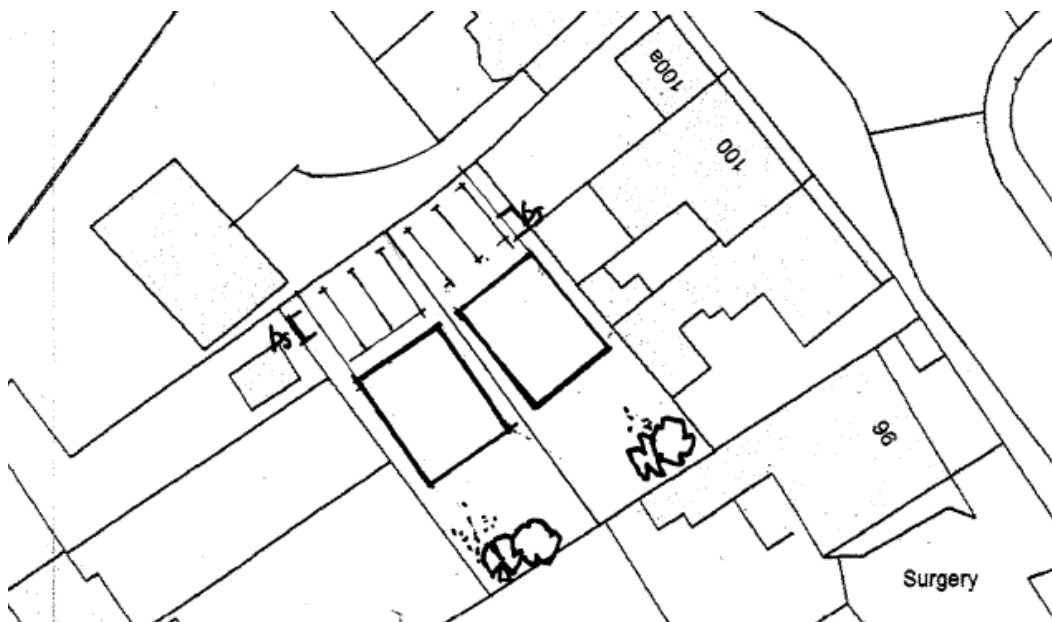
2016/0682 – Conversion of garage to bungalow – refused

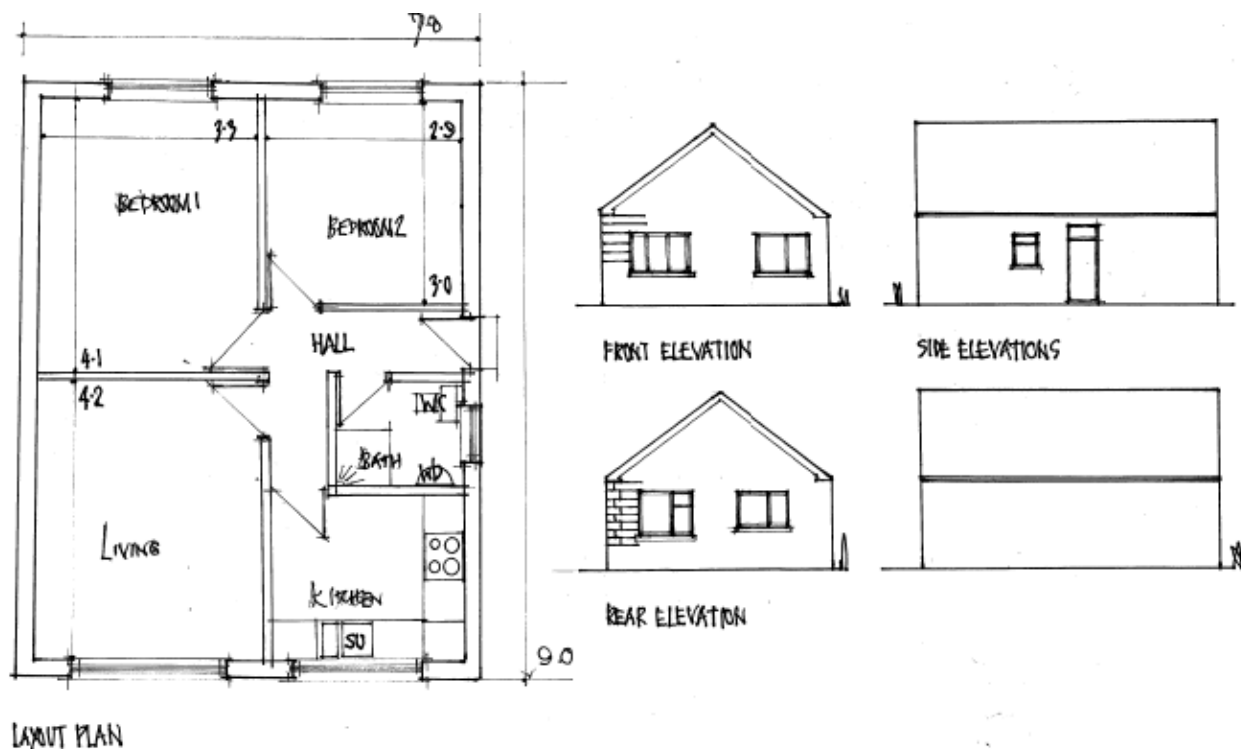
2016/1080 – Conversion of existing garage to bungalow – refused but allowed at appeal

2019/0716 – Erection of single dwelling (following demolition of existing garage building) and erection of detached double garage - approved

Proposed Development

The applicant seeks permission to demolish the existing side extension at 102 Sackville Street above the existing vehicular access and erect 2no.detached 2 bedroomed bungalows. The bungalows would face the access drive and have 2no. parking spaces to the front. A private rear amenity space would be provided per property.





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 allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

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 Poll1 Pollution Control and Protection

Policy BIO1 Biodiversity and Geodiversity

SPD's

Those of relevance to this application are as follows:

- Designing New Residential Development
- Parking
- Sustainable Travel

Other

South Yorkshire Residential Design Guide

NPPF

The NPPF 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.

Paragraphs of particular relevance to this application include:

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

Para 111 - 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 126 - 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.

Para 130 – sets out the requirements for development in terms of layout and design.

Consultations

Conservation Officer – objects due to the harmful impact on the Conservation Area

Highways – Object due to substandard access

Drainage – Building Control to check

SYMAS – Object as the report submitted does not constitute a CMRA

Coal Authority – object as the information submitted does not provide any assessment of the potential risks posed.

Representations

24no. letters were sent out to neighbouring properties and a site notice was erected within the immediate area, in addition a press notice was placed in the Barnsley Chronicle. 4no. objection letters have been received. The main points of concern are;

- Loss of Privacy
- Impact on the Conservation Area
- On going developments at the site for a number of years resulting in noise and disturbance
- Likely to be converted to HMO's similar to the neighbouring properties in the applicants ownership.
- Increased noise and disturbance from the bungalows and associated vehicular movements
- Access inadequate
- Potential negative impact on drainage
- Breaches of previous planning permissions granted
- Loss of trees and Green Spaces
- Site is an eyesore with piles of soil/rubble

Assessment

Principle of development

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. The site is also within a backland location where SPD 'New Housing Development' states 'backland development is most effective where it includes a number of dwellings served by an adopted highway, which is capable of being used by refuse and other servicing vehicles. Long, narrow private drives which would result in excessive 'man carry distances should be avoided'. The SPD also states that 'tandem development, with one dwelling directly in front or behind another sharing the same access, will almost always be resisted'.

The site is also within the Victoria Road Conservation Area, as such, proposals should conserve and enhance the significance and setting of the area, in accordance with the requirements of Local Plan Policy HE1 'The Historic Environment'. NPPF paragraph 199 states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to state that 'any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification'.

In addition to the above, 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.

Design / Visual Amenity

The proposed dwellings would be in a backland location served by a narrow private drive which SPD 'Design of Housing Development' does not support. It is noted that there is a bungalow under construction sharing the same access on a neighbouring site, however, that development was approved at appeal following a refusal by the Council and occupied a site which accommodated a garage which already had vehicular and pedestrian movements into and out of it.

The 2no. proposed bungalows in such close proximity to the neighbouring 2 storey dwellings, in a backland location, would be contrary to the prevalent development pattern of the area and appear 'shoe horned' into the site in an form an ad hoc arrangement, contrary to Local Plan policy D1 and the SPD.

Regarding the conservation area impact, the encroachment of the development to the rear of 100 Sackville Street an uncomfortable relationship, particularly with regards to the northern most

bungalow. It is noted that historically, this parcel of land was part of the rear garden and curtilage of number 100 before 100a was added or before 102 existed, or before Victoria Road was named (it was previously known as Hollowgate). Whatever the case, number 100 is a building of some age and appears late C18 in design and appearance. Therefore it is of value both individually and in terms of group value to the conservation area being one of the oldest dwellings in the area. As such, the proposed development encroaches and disturbs the historic grain of this part of the conservation area and for these reasons is harmful, contrary to Local Plan Policy HE1 and section 16 of the NPPF.

In terms of the design of the proposed dwellings they would have 2no. parking spaces each to the front which would result in a large area of hard standing and offer limited space for soft landscaping. Although the design of the dwellings is relatively simple, they do not reflect the character of the immediately adjacent buildings. The majority of the neighbouring properties are 2 story's and the only reason bungalows have been chosen is the tight nature of the site and 2 story properties would negatively impact on the amenity of neighbouring residents. As such, rather than an assessment of the surrounding areas informing the design of the scheme it has been dictated to by the cramped nature of its surroundings which does not lead to good planning or design.

Residential Amenity

The proposed bungalows would introduce noise and disturbance through vehicular movements and residential activity in a backland location that the neighbouring residents could reasonably expect to remain undeveloped. It is noted that the surrounding area is relatively densely developed and is predominantly residential in nature, however, the coming and going of pedestrians and vehicles to these properties in such close proximity to neighbouring dwellings would be detrimental to the residential amenity of the occupants and contrary to Local Plan Policy GD1.

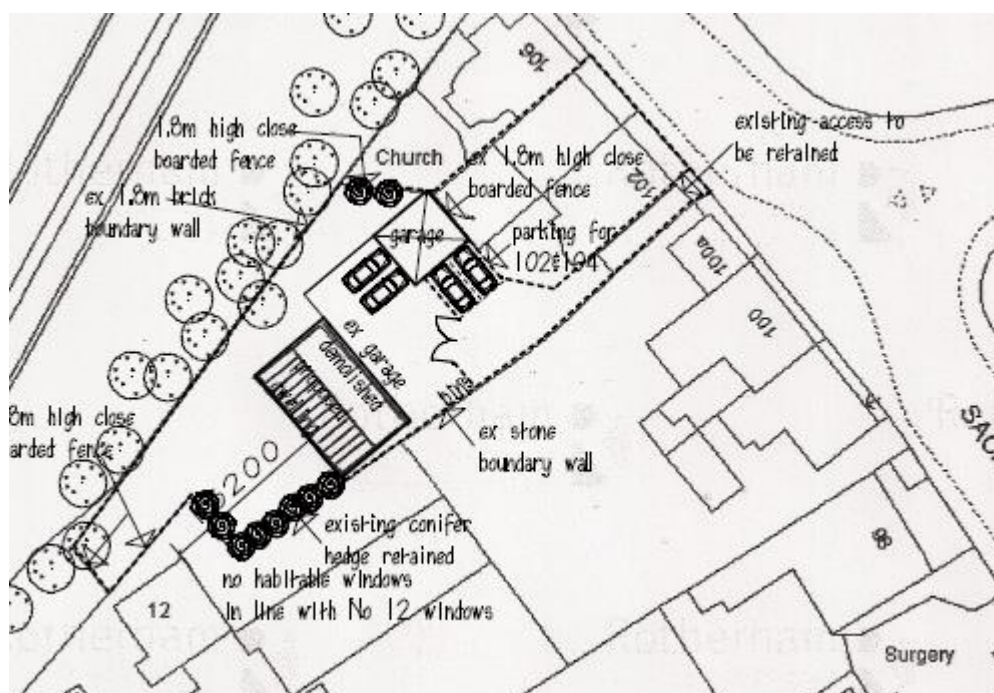
The proposed side elevation of the northern most bungalow would be less than 7m from the rear elevation of number 100 which falls short of the 12m requested in the SPD. Furthermore, the side elevation would be circa 1m from the majority of the rear boundary of number 100 which serves its private amenity space. Limited information has been provided regarding the proposed levels of the bungalows so it is difficult to determine the level of overshadowing and overbearing impact. At present the site is a lot higher than the neighbouring property given that earth and rubble has been piled on it.

The side elevation of the Southern most bungalow would be over 21m from the rear elevation of the properties fronting Loxdale Garden, although it should be noted there is a significant level difference between the two sites with the application site being higher. Again limited level information has been submitted with the application to fully assess the impact on the neighbouring private amenity spaces.

In term of the future residents of the bungalows, the living/dining room falls short of the 17m² required by the South Yorkshire Residential Design Guide and the kitchen measures circa 7m² whereas the requirement is 11m². As such, the level of accommodation would be substandard and detrimental to the amenity of the future residents, contrary to Local Plan Policy GD1.

Highways Safety

It should be noted approval for one dwelling using this access was approved in application no. 2019/0716. In this application it was also the intention for the driveway to be utilised by no's 102 and 104 Sackville Street to gain access to a parking area. This proposed development would significantly impact on the parking and manoeuvring areas for that approved development and there would be a significant conflict between the two sites



This application proposes an increase in width of the shared access to 3.2m by demolishing the existing extension which sits above the access. However, Highways DC would expect a shared driveway onto a busy road to be a minimum of 4.5m (at least for the first 10m off the public highway) to remove the requirement for vehicles to stop on the road waiting to turn in. In addition, should this application be approved, vehicles from five different dwellings would be requiring access along this narrow track and the increase in potential conflicting movements would not be acceptable.

The South Yorkshire Residential Design Guide Appendix 4 section B1.1.11 also states that the maximum length of an access without a turning facility suitable for a fire appliance is 20m. This access measures approximately 36m.

Furthermore, the South Yorkshire Residential Design Guide cites a minimum clearance of 6.0m from a parking space to allow vehicles to manoeuvre in and out of the bays without obstruction. The bays for the north-easternmost plot do not have anything like this amount of manoeuvrable space and do not look accessible at all, especially if application 2019/0716 was built out in accordance with the approved plans.

Given the above, HDC officers have raised objection to the scheme on highway safety grounds due to the substandard access arrangements off Sackville Street, contrary to Local Plan Policy T4 and the South Yorkshire Residential Design Guide.

Mining

According to the records the site lies within a Coal Authority Referral area due to the likely presence of shallow workable coal. Consequently, the proposed development will have some degree of risk from mining legacy hazards such as instability from mining void migration to surface should any uncharted workings of this coal be present. A Coal Mining Risk Assessment (CMRA) is therefore required to fully analyse the site-specific risks to the proposed development along with any mitigation and/or remediation measures that may be required.

It is noted a report by Groundsure accompanies the application, (ref: 51003341565001 dated 3rd March 2023), however, this report does not constitute a CMRA as it does not analyse the site-specific mining legacy risks and detail what associated mitigation may be required for the proposed development. As such the application is contrary to Local Plan Policy CL1 'Contaminated and Unstable Land', therefore, South Yorkshire Mining Advisory Service and the Coal Authority both object to the application.

This application proposes an increase in width of the shared access to 3.2m, however, a shared driveway onto a busy road would be expected to be a minimum of 4.5m (at least for the first 10m off the public highway) to remove the requirement for vehicles to stop on the road waiting to turn

in. In addition, vehicles from five different dwellings would be requiring access along this narrow track and the increase in potential conflicting movements would not be acceptable, contrary to Local Plan policy T4.

Conclusions

The proposed dwellings would be in a backland location served by a narrow private drive which SPD 'Design of Housing Development' does not support. Their position and design would be contrary to the prevalent development pattern of the area and appear 'shoe horned' into the site in an form an ad hoc arrangement, contrary to Local Plan policy D1 and the SPD.

The proposed bungalows would introduce noise and disturbance through vehicular movements and residential activity in a backland location that the neighbouring residents could reasonably expect to remain undeveloped, contrary to Local Plan Policy GD1 and the SPD. Furthermore, the kitchen and living room floorspace proposed falls short of the requirements set out in the South Yorkshire Residential Design Guide, as such, the amenities of the future residents would be substandard.

The site lies within a Coal Authority Referral area due to the likely presence of shallow workable coal. However, a Coal Mining Risk Assessment has not been submitted alongside the application, as such, the site-specific mining legacy risks and associated mitigation measures cannot be properly assessed, contrary to Local Plan Policy CL1 'Contaminated and Unstable Land' and the NPPF.

Recommendation: Refuse

In the opinion of the Local Planning Authority the proposed dwellings would be located within a backland location and contrary to Local Plan Policy D1, SPD 'Design of Housing Development' and NPPF paragraphs 130 and 134 in that that their design and cramped position would be architecturally inconsistent with the character and development pattern of the immediately adjacent properties and would as a consequence result in an undesirable development, shoehorned onto the plot to the detriment of visual amenity. Furthermore, the proposed development encroaches and disturbs the historic grain of this part of the Victoria Road conservation area is therefore harmful to the Conservation Area, contrary to Local Plan Policy HE1 and section 16 of the NPPF.

In the opinion of the Local Planning Authority, the proposed dwellings would be materially detrimental to the amenities of the neighbouring residents due to the additional vehicular movements and residential activity in such close proximity to neighbouring dwellings and associated amenity spaces. The proximity of the proposed dwellings to the private amenity space and habitable room windows associated with number 100 Sackville Street and the level difference between the site and the dwellings on Loxdale Gardens would result in a significant overbearing and overshadowing impact. Furthermore, the proposed dwellings would be materially detrimental to the amenities of the future occupants due to the substandard internal floor space. As such, the proposal is contrary to Local Plan Policy GD1, SPD 'Design of Housing Development' and the South Yorkshire Residential Design Guide.

In the opinion of the Local Planning Authority the proposed development would result in the intensification of the use of a substandard narrow vehicular access leading to vehicles waiting within the highway. Furthermore, the South Yorkshire Residential Design Guide cites a minimum clearance of 6.0m from a parking space to allow vehicles to manoeuvre in and out of the bays without obstruction. The bays for the bungalows fall short of this requirement resulting in vehicles being unable to access and exit the site in a forward gear. The proposed parking bays would also be in direct conflict with the approved parking and manoeuvring layouts approved at appeal under planning application 2019/0716. The proposal is therefore contrary to Local Plan Policies T4 'New development and Transport Safety', GD1 'General Development', D1 'High Quality Design and Place Making' and paragraph 110 of the NPPF.

The site lies within a Coal Authority Referral area due to the likely presence of shallow workable coal. Consequently, the proposed development will have some degree of risk from mining legacy

hazards such as instability from mining void migration to surface should any uncharted workings of this coal be present. The report submitted with the application does not constitute a Coal Mining Risk Assessment and does not analyse the site-specific mining legacy risks and detail what associated mitigation may be required for the proposed development. As such, the applicant has not submitted sufficient details to enable an adequate assessment to be made, therefore, the application is contrary to Local Plan Policy CL1 'Contaminated and Unstable Land'.