
2023/0559

Applicant: Miss Jane Bamforth

Description: Erection of 1no dwelling on land to the rear of 64 Granville Street (Outline with all matters reserved)

Site Address: Land to the rear of 64 Granville Street, Old Town, Barnsley, S75 2TQ

Site Location and Description

The application relates to the rear garden area associated with 64 Granville Street. The site also extends partially to the rear of 62 and 66 Granville Street. 64 Granville Street is a 2 storey, stone fronted, end of terrace dwelling with loft conversion. Vehicular access to the site is from Granville Street via the driveway of number 64 which runs along the side elevation to the rear of the property via a gated access.

The site measures approximately 325m² and is mainly laid to grass with a small outbuilding in the South Eastern corner. There is also a gate in the rear boundary which leads out to a pathway to the rear of the properties.

The surrounding area is predominantly residential in nature and the site borders neighbouring garden areas to the East and West. To the North are neighbouring terraced properties which front Granville Street. Beyond the rear boundary is a pathway, former allotments and neighbouring garden areas associated with properties fronting Bond Road.

Proposed Development

The applicant seeks Outline permission with all matters reserved for a detached dwelling. The indicative plan and associated Design and Access statement indicate the property would be a 1 bedroom, 2 person dwelling with a footprint circa 50m². The plan also shows a 50m² garden area and 3 no parking spaces between the proposed dwelling and the rear of 64 Granville Street. Access would be taken from Granville Street via the existing driveway.



Policy Context

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

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 H9 Protection of Existing Larger Dwellings

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

Policy CC2 Sustainable Design and Construction

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

Drainage – Building Control to check

Highways – raised objections, the proposal fails to demonstrate that safe and suitable access can be provided.

The Coal Authority – Object due to lack of Coal Mining Risk Assessment

SYMAS – Object due to lack of Coal Mining Risk Assessment

Representations

5 letters of objection have been received. The main points of concern are;

- Redline boundary contains inaccuracies & does not link to the adopted highway
- Details regarding the size of the dwelling are ambiguous.
- Loss of trees and hedgerows
- Negative impact on wildlife
- Impact on the right of access to the rear of the site
- Proposals form tandem development.
- Increased noise and disturbance
- Increased overshadowing
- Loss of privacy/overlooking
- Contrary to the existing development pattern
- Increased traffic/vehicular movements
- Increased parking pressure within the area

Assessment

Principle of development

The site is allocated as Urban Fabric within the Local Plan. 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 guidance set out in SPD 'Design of Housing Development' is clear in that it states, 'tandem development, with one dwelling directly in front or behind another sharing the same access will almost always be resisted'. It also states that long, narrow private drives should be avoided and backland development maybe more acceptable in circumstances where there is an existing use at the rear of dwellings and where residential development would benefit the amenity of existing residents and the character and appearance of the locality.

Local Plan Policy H9 aims to protect existing larger dwellings. The policy states 'development within the curtilage of existing larger dwellings will be resisted where it will have an adverse impact on the setting of the original dwelling, and the size of the remaining garden. It is important to ensure the endurance of existing housing stock of this type. For the purposes of this policy larger homes are those that have four or five bedrooms or are **capable** of accommodating four or five bedrooms without significant adaption. 64 Granville Street is a 3 bedroom property but is capable of being 4 without significant adaption as neighbouring properties have done, as such, policy H9 is relevant.

The Government has changed the designation of garden areas from 'brownfield land' to 'greenfield land', in an attempt to resist development of additional houses within the curtilage of larger homes, known as 'garden grabbing', as this has also had an adverse impact on larger housing stock. Often additional dwellings have been built within their curtilage, resulting in an adverse impact on the original dwelling.

In any case, 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 application is an outline with all matters reserved; however, an indicative layout plan has been supplied with the application and shows a backland/tandem arrangement.

SPD 'Design of Housing Development' states that new dwellings should be orientated to have a frontage to the existing public highway and that the space between the proposed dwellings and the adjacent dwellings should reflect the prevailing character of the street. It goes onto state that the siting of the dwelling should reflect the building line of the dwellings on the same side of the street. Unfortunately the proposed dwelling falls well short on all those requirements, contrary to the SPD and Local Plan Policy D1.

Backland/tandem developments are not without controversy and the Council has in recent times sought to ensure a more consistent approach is applied to such proposals. This as a whole has been supported by the Planning Inspectorate whereby the Council's decision to refuse inappropriate developments has been upheld in recent planning appeals. The main concern is that backland/tandem development represents an 'ad-hoc' form of development, which can fundamentally undermine the proper (comprehensive) planning of an area. To allow such proposals can indicate a departure from the long established local pattern of development, this can also make it harder for the Council to resist further (similar) proposals in future which in turn can progressively erode the area's character. The SPD is quite clear in that it states, 'tandem development, with one dwelling directly in front or behind another sharing the same access, will almost always be resisted'.

The proposed indicative dwelling, similar to that previously refused, would be a relatively large, detached, double fronted property where as the host property, and the majority of properties fronting Cross Lane, are modest semi-detached and terraced properties. The SPD states that dwellings should be orientated to have a frontage to the existing public highway which, given the backland location, the proposed dwelling does not have.

In the context of the above, despite the non-prominent position of the dwelling, the proposal would in terms of its indicative scale and position introduce a development that would be out of keeping with the urban grain of the locality and thereby harmful to the character and appearance of the area. Consequently, it would conflict with the design and placemaking requirements of LP Policy D1 and the SPD.

Residential Amenity

SPD 'Design of Housing Development' states that backland development may be more acceptable in circumstances where there is an existing use at the rear of dwellings and where residential development would benefit the amenity of existing residents. In this case the site is just used as a garden area associated with the host dwelling, as such, the additional noise and disturbance generated by the additional residential and vehicular activities and movements in an area where neighbouring residents could reasonably expect to remain free from development would certainly not benefit the amenity of the existing residents and would be contrary to the SPD and Local Plan policy GD1.

In terms of the future occupants of the proposed dwelling the minimum internal spacing could be achieved for a 1 bedroom property and the plans show a garden area of 50m² could be provided. However, the proposed Western and Southern elevations would have to be in close proximity to the boundaries and any windows on those elevations would have limited light and outlook. Any windows on the Northern elevation would be immediately adjacent to the parking area and would also fall short of the required 21m from the neighbouring rear habitable room windows. As such, that only leaves the Eastern elevation facing the proposed garden which could contain habitable room windows. This would be assessed further at reserved matters stage but from the information provided the amenity of the future residents would be compromised.

It is acknowledged that at some point the host property has acquired additional land for a rear garden area and has a garden which is larger than the immediately adjacent dwellings, however, by developing on this area it would seriously reduce the host garden to the detriment of residential amenity and would result in a garden below the required 60m².

Highways Safety

The submitted Planning Statement (incorporating Design and Access Statement) suggests that a one bedroomed dwelling would be created. One off-street parking space is therefore shown for this proposed property with two spaces for the existing host dwelling.

Whilst this arrangement is commensurate with the recommended provision in terms of parking numbers, the access into the site is substandard. The South Yorkshire Residential Design Guide Appendix B1.1.20 states that accesses to shared parking areas should have the following dimensions:

- Maximum length of 20 metres without a turning facility suitable for a fire appliance.
- Minimum carriageway width 3.1 metres.
- Widening may be needed at the entrance to the private access to allow two cars to pass, depending on the nature of the street from which access is taken. The widening will need to be between 4.5 metres and 4.8 metres for a minimum length of 10 metres.
- Passing places of minimum width 4.5 metres and minimum length 6 metres may be required depending on the length of the private access, at the discretion of the Highway Authority.

The access point from Granville Street is particularly narrow adjacent to the highway with little scope to be able to widen this to an acceptable dimension. As such, it is likely that drivers would have to wait on the carriageway if cars were entering and exiting the site at the same time.

No bin storage or collection points have been shown at this outline stage, but the proposed dwelling is significantly further from the public highway than the recommended maximum bin-dragging distance of 25m.

Given the above, Highways have raised objection to the scheme as the proposals fail to demonstrate that safe and suitable access can be provided for all users and fails to meet the needs of pedestrians, people with disabilities, the less ambulant and those with protected characteristics contrary to the policies of NPPF 9: Promoting Sustainable Transport (2021) and Barnsley Local Plan (2019): T4 New Development and Sustainable Travel.

It should also be noted that the red line boundary does not include a link to the public highway.

Mining

The site falls within the defined Development High Risk Area, as such, a Coal Mining Risk Assessment is required to be submitted to support this application.

The Coal Authority records indicate that the site lies in an area of probable unrecorded underground coal mine workings at shallow depth. If shallow workings are present then those may pose a potential risk to surface stability and public safety.

The applicant has submitted some coal mining information to accompany the planning application; in this case a Consultants Coal Mining Report. However, this is a factual report only and this information does not provide any assessment of the potential risks posed to the development proposal by past coal mining activity. As a result, both the Coal Authority and SYMAS have raised objections to this application due to lack of information.

Conclusions

The proposal would in terms of its design, scale and position introduce a development that would be out of keeping with the urban grain of the locality and thereby harmful to the character and appearance of the area. Consequently, it would conflict with the design and placemaking requirements of LP Policy D1 and the SPD.

Given the narrow access into and out of the site and the lack of opportunity to improve this the proposals fail to demonstrate that safe and suitable access can be provided for all users, contrary to Local Plan Policy T4, the NPPF and SPD 'Design of Housing Development'.

Recommendation: Refuse