

PLANNING APPEAL STATEMENT

Project: Proposal Conversion of existing cellar into self contained flat.
At 132 Park Grove, Barnsley, S70 1QG

Council Ref: Barnsley BMBC App no 2016/0623

Refusal date: 20th July 2016

REASONS FOR REFUSAL

In the opinion of the Local Planning Authority, the design and layout of the proposed basement flat would form a substandard form of residential accommodation due to the compromised level of outlook, natural daylight and ventilation that it would be served with, in addition the proposals would compromise the amenity of the occupants of the host dwelling who would lose access to the rear garden area. Furthermore it is also considered that the proposals would set an undesirable precedent, given that it would be the first accommodation of its kind within Park Grove, which is characterised by single occupancy dwellings. In this instance it is considered that the alterations to the property and associated increase in activity to the dwelling would have a detrimental impact on the character of the area. For these reasons it is considered that the proposal would be contrary to Supplementary Planning Document 'Designing New Housing Developments' the South Yorkshire Residential Design Guide and Core Strategy policy CSP29 'Design'.

REBUTTAL

In the opinion of the Local Planning Authority, the design and layout of the proposed basement flat would form a substandard form of residential accommodation due to the compromised level of outlook, natural daylight and ventilation that it would be served with, in addition the proposals would compromise the amenity of the occupants of the host dwelling who would lose access to the rear garden area.

The proposed flat has been designed with the principal rooms (kitchen and living areas) facing the rear garden area. Whilst the entrance door is located under the stairwell to the first floor accommodation there is a window included to this room which will afford views of the rear area, and allow occupants to view visitors and have a reasonable garden vista.

Natural daylight will be provided by the proposed front and rear windows. These are all designed with a minimum glazed area of 1msq to the front aspect and 1.3m2 to the rear. The proposed light well is designed with sloping sides rather than vertical to maximise the light.

Ventilation will be in the form of trickle ventilation to provide a cross ventilation situation. Windows will be opening to ensure means of escape can be met as well as the requirement for mass ventilation. This requirement is for an opening window of min 450mm width and 0.33m2 total opening. The bathroom will be vented using mechanical means. All ventilation will be in accordance with Approved Building Regulations documentation and approved by a registered inspector prior to occupation.

There is no loss of access to the garden space for the residents of the host dwelling. The proposal maintains the existing stairwell access from the first floor to the garden and bin storage areas.

Furthermore it is also considered that the proposals would set an undesirable precedent, given that it would be the first accommodation of its kind within Park Grove, which is characterised by single occupancy dwellings.

Park Grove has a number of dwellings that have been subdivided into flats.

Please see **appendix A** for a list of dwellings on Park Grove as taken from <https://www.gov.uk/council-tax-bands>.

This list shows the properties that are currently or have previously been subdivided into flats.

POLICY

CORE STRATEGY POLICY CSP29 'DESIGN'.

Core Strategy Policy CSP 29 Design reads:

Design Principles: High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley including: topography, Green Infrastructure Assets, important habitats, woodlands and other natural features. views and vistas to key buildings, landmarks, skylines and gateways heritage, townscape and landscape character including the scale, layout, building styles and materials of the built form particularly in and around: Barnsley Town Centre Penistone and the rural villages to the west of the borough within and adjacent to Conservation Areas Development should: contribute to place making and be of a high quality, that contributes to a healthy, safe and sustainable environment help to transform the character of physical environments that have become run down and are lacking in distinctiveness 2 Supplementary Planning Document: Designing New Housing Development Supplementary Planning Document: Designing New Housing Development enable all people to gain access safely and conveniently, providing, in particular, for the needs of families and children, and of disabled people and older people. contribute towards creating attractive, sustainable and successful neighbourhoods achieve a Building for Life assessment rating of 'Good' or equivalent as a minimum, in developments of 10 or more dwellings.

It is acknowledged that there could be an additional family which could increase noise and disturbance through increased residential activities and possibly more visitors. However, the increase in noise and disturbance would not be to an unreasonable degree to the detriment of residential amenity and all work done would have to comply with building regulations in terms of acoustic insulation.

SUPPLEMENTARY PLANNING DOCUMENT 'DESIGNING NEW HOUSING DEVELOPMENTS' THE SOUTH YORKSHIRE RESIDENTIAL DESIGN GUIDE.

22 Conversions of buildings to residential accommodation

- *Conversion of buildings to dwellings, flats or houses in multiple occupation (HMOs) will be allowed where the following criteria are satisfied:*
- *The building and curtilage are of sufficient size to provide suitable facilities for residents.*

The SYRDG indicates that shared private spaces for flats should be a minimum of 50m² plus an additional 10m² per unit as either a balcony or added to the shared private space. This relates primarily to new buildings. However, this is a conversion of part of an existing dwelling, and the dwelling already has limited external amenity space (75m²). The application proposes that private external space will be set aside for drying clothes etc. There are amenity areas within reasonable walking distance at Locke Park, with extensive sports facilities available at Shaw Lane and Broadway close by.

- *In the case of dwellings and HMOs, the garden sizes and external separation distances should reflect the requirements set out in the general criteria and meet internal spacing standards.*
- *In all cases, internal spacing standards should meet the requirements set out in the general criteria*
- *There will be no unacceptable noise nuisance for either existing neighboring residents or occupants of the proposed residential unit(s)*

The proposed dwelling will be subject to current Building Regulations Approved document E - Resistance to the passage of sound. This ensures that current regulations relating to acoustic measures will be undertaken.

- *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*

The proposal does not allocate any off road parking for the basement flat or the dwelling above, however, given the likely modest increase in vehicles as a result of the proposed flat (the HMO does not require permission and is not considered under this application), and, the proximity of the site to Barnsley Town Centre, Highways DC have raised no objections.

As stated in the Design and access statement there is access to local bus and rail services within walking distance of the property.

- *The appearance of the building or its curtilage would not be altered to the detriment of the visual amenities of the area.*

'The only external alteration would be the creation of the small light well within the front garden to serve the proposed basement bedroom. It would not be highly visible, apart from when directly in front of the property.'
- Quotation from officer report 2016/0623.

There are instances of similar developments in the local area, notably on Park Road at the top of Park Grove where additional entrances have been provided to the cellar levels without being visually intrusive or out of keeping with the properties.

ADDITIONAL RELEVANT INFORMATION

A similar application was submitted by ourselves on behalf of Mr Trueman to BMBC on 23rd December 2015 and approved on 11th April 2016, Reference number 2015/1495.

DESCRIPTION Conversion and extension of existing cellar level into 2 bedroom self contained flat.
LOCATION 175 Dodworth Road, Barnsley, S70 6HW

This application is for a similar development to a similar aged property within the town centre of **Barnsley**. Please see **appendix B** for a copy of the application drawing.

Appendix C is a copy of the officer report on this application.

An example of this is shown below. Extracts from the Visual amenity section have been shown in relation to each other.

Both applications involve the creation of a new window under the existing front bay window and minor alterations to the rear elevations, which could be done under permitted development in other circumstances.

Approved application 2015/1495

Visual Amenity

The objector has concerns that the external alterations to the front of the dwelling will affect the character and symmetry of the dwelling. However, the dwelling is not listed, nor does it lie within a conservation area. The window and to proposed front bedroom will be below ground level and will only be slightly visible from street level, appearing as a light well of similar size to the old style coal chute hatches. It is not considered that this would be significantly detrimental to the front elevation, although it would project forward slightly, this would be at ground level only. To the rear elevation, minor alterations are proposed at lower ground floor level which involve changes to fenestration which could have been carried out using permitted development rights at any time.

It is therefore considered that the proposed extension and conversion of the cellar is acceptable in terms of visual amenity and in compliance with Core Strategy Policy CSP 29 in the Core Strategy.

Appealed application 2016/0623

Visual Amenity

The only external alteration would be the creation of the small light well within the front garden to serve the proposed basement bedroom. It would not be highly visible, apart from when directly in front of the property, but it would be an alien feature given that there are no existing conversions on the streetscene. As outlined above, each case should be assessed on its own merit but it would make it increasingly difficult for the Council to resist further similar applications which could erode the character of the streetscene and change the nature of the area to the detriment of visual amenity, contrary to CSP29.

Whilst the issues covered are of a similar nature the tone of the reports are considerably different suggesting a lack of consistency in the manner in which BMBC Planning Department has dealt with these applications.

APPENDICES

APPENDIX A

Council tax listings for Park Grove highlighting existing/previous sub-divisions.

Source <https://www.gov.uk/council-tax-bands>.

Address	Council Tax band
1, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	C
SHERIDAN HOUSE 2, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	G
3, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	C
5, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	B
6, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	Deleted
7, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	B
8, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	B
9, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	C
10, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	B
11A, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	A
11, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	C
12, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	B
13, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	B
14, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	B
15, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	B
16, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	B
17, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	B
18, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	B
19, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	B
20, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	B
21, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	A
22, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	B
23, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	A
24, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	B
25, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	B
26, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
27, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	B
28, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
29, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	B

30, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
31, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	A
32, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
33, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	B
34, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
35, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1PY	C
36, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
37, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	C
38, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
39, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
40, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
41, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	A
42, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
43, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
44, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
45, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	C
46, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
47, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
48, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
49, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
50, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
51, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
52, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
53, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
54, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
55, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
56, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
57, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
58, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
59, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
60, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	C
61, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
62A, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QB	C
62, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	C
63, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
64, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QB	D

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65, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	B
66, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QB	B
67, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	C
68, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QB	B
69, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QB	C
70, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QB	B
71, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QB	C
72, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QB	B
73, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QB	C
74, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QB	B
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76, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QB	C
77, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QB	B
78, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QB	C
79, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QB	B
80, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QB	C
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88, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QB	C
89, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	C
90, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QB	C
95, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	B
96, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	C
97, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	B
98, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	C
99, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	B
FLAT 1 AT 100, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	A
FLAT 2 AT 100, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	A
101, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	B
102, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	C

103, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	B
104, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	C
105, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	B
106, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	C
107, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	B
108, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	C
109, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	B
110, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	C
111, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	B
112, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	C
FLAT A AT 113, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	Deleted
FLAT B 113, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	Deleted
113, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	Deleted
113, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	B
FLAT 1 AT 114, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	Deleted
FLAT 2 AT 114, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	Deleted
114, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	C
115, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	B
116, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	C
117, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	C
118, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	C
119, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	C
120, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	C
121, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	C
122, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	C
123, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	C
125A, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	B
125, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	C
127, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	C
FLAT AT 128, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	Deleted
128, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	Deleted
128, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	D

129, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	C
FLAT BST AT 130, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QE	Deleted
136, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	C
137, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	C
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139, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	C
141, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	C
142, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	C
143, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	C
144, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	C
145, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	C
146, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	C
147, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	C
148, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	C
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151, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	C
152, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	C
153, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	C
154, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	C
155, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	B
156, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	C
157, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	B
FLAT 1 AT 158, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QY	A
FLAT 2 AT 158, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QY	A
FLAT 3 AT 158, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QY	A
159, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	C
160, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QY	C
161, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QG	C
162, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QY	C
163, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QY	C
164, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QY	E
165, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QY	C
167, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QY	C
169, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QY	C
171, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QY	C
173, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QY	C
175, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QY	C
177, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QY	E
FLAT 1, PARK AVENUE COURT, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	A
FLAT 2, PARK AVENUE COURT, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	A
FLAT 3, PARK AVENUE COURT, PARK GROVE, BARNSLEY, SOUTH YORKSHIRE S70 1QA	A

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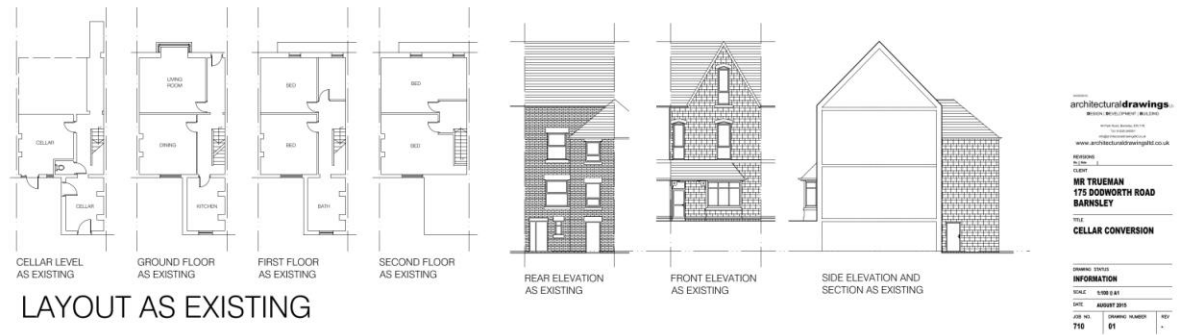
FLAT 4, PARK AVENUE COURT, PARK GROVE, BARNSELY, SOUTH YORKSHIRE S70 1QA	A
FLAT 5, PARK AVENUE COURT, PARK GROVE, BARNSELY, SOUTH YORKSHIRE S70 1QA	A
FLAT 6, PARK AVENUE COURT, PARK GROVE, BARNSELY, SOUTH YORKSHIRE S70 1QA	A

APPENDIX B

Planning drawing for approved planning application 2015/1495.



LAYOUT AS PROPOSED



LAYOUT AS EXISTING

APPENDIX C

Officer report on a similar planning application 2015/1495

2015/1495

Mr J Trueman

Conversion and extension of existing cellar level into 2 bedroom self contained flat.
175 Dodworth Road, Barnsley

Site Location and Description

The site lies within a residential area on one of the main roads leading to Barnsley Town Centre. It comprises a two storey stone fronted semi detached house with 3 storey gable element and is located on Dodworth Road at the end of a row of stone terraced housing. The site is sloping so the rear extends downwards with lower ground floor level below street living originally built as a cellar but with windows and an access door. To the rear is an open yard area, serving the property and neighbouring dwelling at 177 leading onto Westbourne Terrace and which is used for parking and garaging. The existing cellar extends from the rear of the dwelling part way under the dwelling.

Proposed Development

The applicant seeks permission to convert and extend the existing cellar into a 2 bedroomed self contained flat. The flat would comprise two bedrooms, a shower room and combined living/dining/kitchen. One of the bedrooms would be created by extending the cellar forwards by excavation forwards under the dwelling extending as far as the front of the house, effectively creating an entire lower ground floor, with light to the bedroom provided by a light well which would double as an escape window. Access would be via an access door from the rear yard. No additional external built floorspace would be created. Amenity space would be provided for drying clothes in the rear courtyard. The D & A statement notes that the site has good access to bus stops, Barnsley train station and the town centre and therefore no additional parking has been provided. The existing rear courtyard would be a shared amenity area.

Planning History

No relevant planning history

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicated otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy and saved Unitary Development Plans policies, the Council has also adopted a series of Supplementary Planning Documents and Supplementary Guidance Notes, which are other material considerations.

Barnsley LDF Core Strategy

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.

CSP 29 – Design – states that high quality development will be expected, that respects,

takes advantage of and enhances the distinctive features of Barnsley. Development should enable people to gain access safely and conveniently.

CSP 40 – Pollution Control and Protection – states that development will be expected to demonstrate that it is not likely to result in an increase in air, surface water and groundwater, noise smell, dust or other pollution which would unacceptably affect or cause a nuisance to the surrounding environment.

Barnsley Unitary Development Plan Saved Policies

Policy H8A indicates the scale, layout, height and design of all new dwellings must ensure that high standards of living conditions and amenity are provided for both existing and proposed residents.

SPDs/SPGs

Supplementary Planning Document – Design New Housing Development

Supplementary Planning Document – Residential Amenity and Siting of Buildings

Supplementary Planning Document – Parking

Good Practice Document

The South Yorkshire Residential Design Guide (SYRDG) does not directly form part of the development plan but is used by the council as good practice to help inform how some of the related policies are interpreted.

National Planning Policy Framework

The National Planning Policy Framework sets out the Governments 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.

In respect of this application, the policies above 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. They also reflect the advice in paragraph 58 (general design considerations) and paragraph 64, which states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Consultations

Highways DC – parking and manoeuvring details required to accord with SPD Parking Regulatory Services – No objections or comments

Ward Councillors – No comments received

Representations

Neighbour notification letters were sent to the surrounding residents and a site notice was posted adjacent to the site. One letters of objection was received in relation to:

Architectural Drawings Ltd. 44 Park Road, Barnsley S70 1YE

Tel 01226 240351

e-mail info@architecturaldrawingsltd.co.uk

www.architecturaldrawingsltd.co.uk

Company number 04897234

- Loss of character and symmetry of the two semi detached houses due to basement window to cellar on front elevation
- Cumulative impact as some dwellings have already been converted to flats which are leading to rubbish in front gardens and antisocial behaviour
- Danger that this proposal will set a precedent as development already begun without planning permission
- Concerns relating to parking, traffic generation and highway safety
- Disturbance due to noise from potentially inappropriate tenants, including increased smells and rubbish, and lack of privacy due to increased numbers for people in the vicinity, which may include children
- Loss of visual amenity due to possible accumulations of rubbish or furniture left outside

Assessment

Principle of development

The property lies within a Housing Policy Area where the extension and conversion of dwellings into flats is acceptable in principle where the dwelling and curtilage are suitable, adequate parking provision is provided and residential and visual amenity is maintained to a reasonable degree.

Residential Amenity

It is acknowledged that there could be an additional family which could increase noise and disturbance through increased residential activities and possibly more visitors. However, the increase in noise and disturbance would not be to an unreasonable degree to the detriment of residential amenity and all work done would have to comply with building regulations in terms of insulation. In addition to this, the dwelling as a whole could be changed to a House of Multiple Occupation without planning consent where no more than 6 people live together as a single household, which could potentially have a greater impact on the area. Whilst the objector has raised issues relating to the age and behavior of the potential occupants, the nature and behavior of future occupants of the flat is not a material planning consideration. The internal layout provides adequate internal space for the proposed conversion to a two bedroomed flats, the combined living/dining/kitchen does not meet the spacing standards set out in the South Yorkshire Residential Design Guide (SYRDG) by a small margin. However, the bedrooms do exceed the minimum. However the document does not form part of the development plan and has only been adopted as a good practice guide to provide assistance when interpreting the requirements of Core Strategy Policy CSP 29. On balance, when assessed against the SYRDG the limitations in floor area are not considered sufficient to warrant refusal of the application.

The SYRDG indicates that shared private spaces for flats should be a minimum of 50m² plus an additional 10m² per unit as either a balcony or added to the shared private space. This relates primarily to new buildings. However, this is a conversion of part of an existing dwelling, and the dwelling already has a very limited external amenity space. The application proposes that private external space will be set aside for drying clothes, but in this instance, due to the location of the site, it is considered acceptable that private amenity space is not required on site as there are sufficient amenity areas within reasonable walking distance at Locke Park and Penny Pie Park, with extensive sports facilities available at Shaw Lane close by.

There will be limited natural light to the kitchen/dining/living area, and it may be more reasonable to have a bedroom in this location. However, the internal layout could be amended in future without the need for planning permission, so this would not be a material planning consideration.

The proposal is considered to comply with CSP 29 in design terms in relation to residential amenity. It is also considered that the proposal is not likely to result in an increase in air, surface water and groundwater, noise smell, dust or other pollution which would unacceptably affect or cause a nuisance to the adjoining properties or the surrounding environment and is in compliance with CSP 40.

Visual Amenity

The objector has concerns that the external alterations to the front of the dwelling will affect the character and symmetry of the dwelling. However, the dwelling is not listed, nor does it lie within a conservation area. The window and to proposed front bedroom will be below ground level and will only be slightly visible from street level, appearing as a light well of similar size to the old style coal chute hatches. It is not considered that this would be significantly detrimental to the front elevation, although it would project forward slightly, this would be at ground level only. To the rear elevation, minor alterations are proposed at lower ground floor level which involve changes to fenestration which could have been carried out using permitted development rights at any time.

It is therefore considered that the proposed extension and conversion of the cellar is acceptable in terms of visual amenity and in compliance with Core Strategy Policy CSP 29 in the Core Strategy.

Highway Safety

It is acknowledged that the proposal does not intend to provide an additional parking space as required by the adopted SPD Parking. However, the location of the site is in a very sustainable position being close to the town centre, shops, bus stops and the train station. In this instance it is not considered that there would be a need for a car. If the occupants of the flat were to have a car there is ample on-street parking in the vicinity at Westbourne Terrace and Shaw Lane and surrounding streets. As such it is considered that the proposal would not have a detrimental impact on highway safety.

Other issues

The objector considered that as work had already started prior to the determination of the planning application, that the LPA would feel obliged to grant planning permission, and that this could set a precedent. This is not the case, if development is unauthorised and the council considers that it is expedient to take enforcement action it is at liberty to do so. Each application must be considered on its own merits.

The objector has also stated that the change of use to a flat could lead to rubbish being dumped in the front garden as has happened elsewhere in the locality. As has been stated earlier, the LPA has no control over the type and behaviour of occupants and this is not a material planning consideration.

Conclusion

The property is of a sufficient size to accommodate the proposed alterations without having an undue impact on the amenity afforded to adjacent properties or the character/setting of the street scene. The siting, scale and access arrangements are considered to be acceptable and meet the requirements of the prescribed policies. It is therefore recommended that planning permission is granted.

Recommendation - Grant subject to conditions