

---

2024/0767

Mr Shaun Smith

Land adjacent 119 Cherry Tree Street, Hoyland, Barnsley, S74 8DG

Erection of 1-bedroom detached dwelling (Custom/self-build).

---

### Site Description

The application relates to a small parcel of land located on the north-east side of Cherry Tree Street and adjacent to an end-of-terrace dwelling and close to the crossroads junction with Birchin Bank and Eaden Crescent. The surrounding area is principally residential and is characterised by two-storey semi-detached and terraced dwellings of varying scale and appearance. To the north-west of the application site is a car park which serves a nearby block of flats and a small electricity substation is located immediately adjacent. To the north-east are further residential dwellings located on Levick Croft, and the application site backs onto the rear boundaries of these dwellings. The application site follows the gradient of the surrounding land which falls steadily north-west to south-east.



## Planning History

There are two previous applications associated with this site.

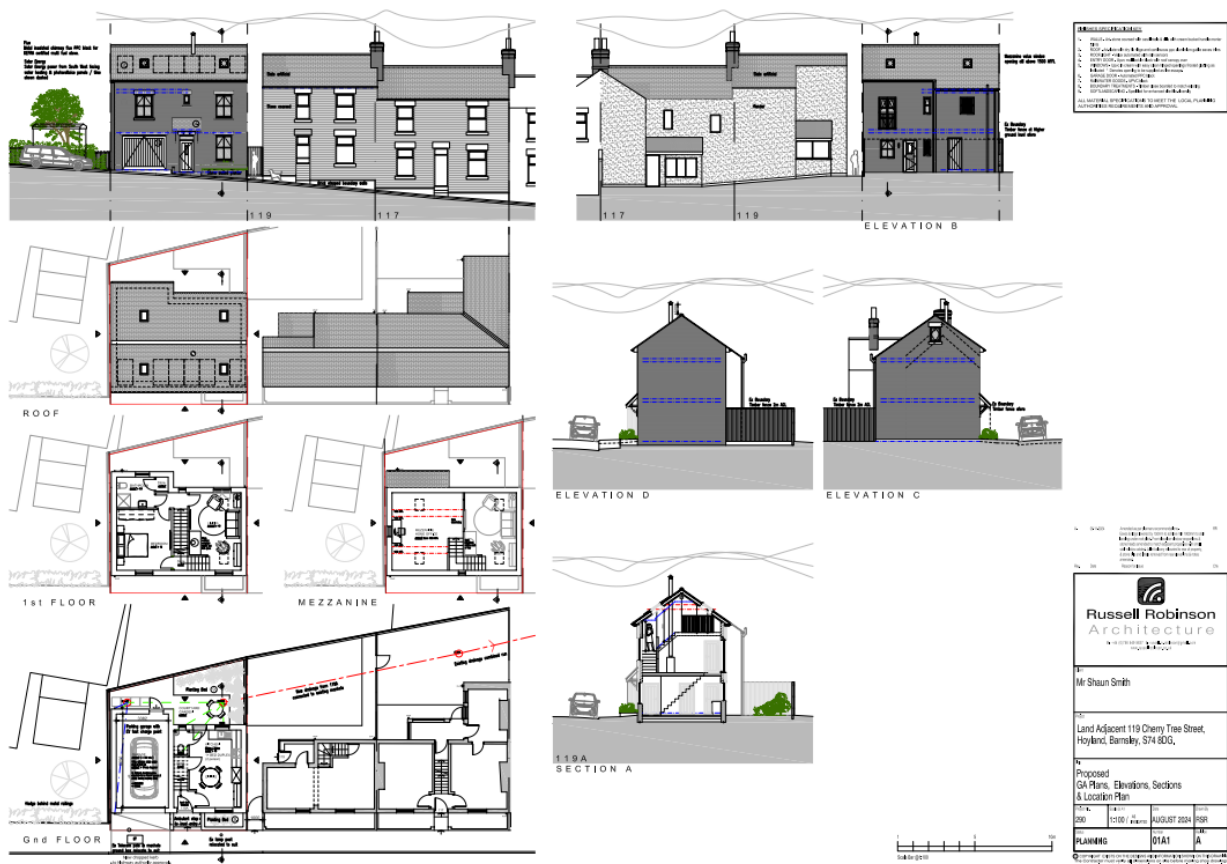
1. B/83/0144/HN – Outline for residential development. – Approved.
2. 2018/0774 - Conversion of one residential property to two and construction of new two storey detached building housing 3no garages and flat above. – Approved.

## Proposed Development

The applicant is seeking permission for the erection of a two-storey 1-bedroom detached dwelling with an integral garage with an EV charging point.

The proposed dwelling would measure approximately 8.8 metres by 6.7 metres and would adopt a pitched roof with an approximate eaves and ridge height of 5.7 metres and 8.1 metres respectively. The dwelling would be fronted by a stone wall planter and would feature a front canopy, rooflights, solar panels, a flue, and a first-floor Juliet balcony to the rear. The dwelling would be constructed of coursed artificial stone with cast lintels and cills and the roof would be constructed of artificial slate. To the rear of the dwelling would be a small courtyard garden with a planting bed. Internally, the dwelling would comprise of a ground floor integral garage and open plan kitchen and dining area, a first floor living area, bedroom and bathroom and a mezzanine home office within the roof space.

During the application process, the proposal was amended in the interests of visual amenity and included the eaves of the roof to the front being lowered, a Juliet balcony being relocated to the rear, alterations to the front windows and the introduction of a new small window and enlarged window heads. Some obscure glazing to the rear was also removed.



## **Policy Context**

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (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 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 which 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.

### Local Plan Allocation – Urban Fabric

The site is allocated as urban fabric in the adopted Local Plan which has no specific land allocation. Therefore, the following policies are relevant:

- ***Policy SD1: Presumption in favour of Sustainable Development.***
- ***Policy LG2: The Location of Growth.***
- ***Policy H1: The number of New Homes to be Built.***
- ***Policy H2: The distribution of New Homes.***
- ***Policy H4: Residential Development on Small Non-allocated Sites.***
- ***Policy GD1: General Development.***
- ***Policy POLL1: Pollution Control and Protection.***
- ***Policy D1: High quality design and place making.***
- ***Policy T3: New Development and Sustainable Travel.***
- ***Policy T4: New Development and Transport Safety.***
- ***Policy BIO1: Biodiversity and Geodiversity.***
- ***Policy RE1: Low Carbon and Renewable Energy.***

### Supplementary Planning Document(s)

- ***Design of Housing Development.***
- ***Sustainable construction and climate change adaptation.***
- ***Walls and Fences.***
- ***Parking.***
- ***Biodiversity and Geodiversity.***

### National Planning Policy Framework

The NPPF sets out the Government's planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the Local Plan should be approved unless material considerations indicate otherwise. In respect of this application, relevant policies include:

- ***Section 5: Delivering a sufficient supply of homes.***
- ***Section 11: Making effective use of land.***
- ***Section 12: Achieving well-designed and beautiful places.***
- ***Section 14: Meeting the challenge of climate change, flooding and coastal change.***
- ***Section 15: Conserving and enhancing the natural environment.***

## Other Material Considerations

- ***South Yorkshire Residential Design Guide 2011 (SYRDG).***

### **Consultations**

Local Ward Councillors	No responses.
Forestry Officer	No comments.
Highway Drainage	No objections.
Highways Development Control	No objection subject to conditions.
Pollution Control	No objection subject to condition.
Yorkshire Water Services	Comments for future regulatory stages.
Biodiversity Officer	No objection subject to condition.

### **Representations**

Neighbour notification letters were sent to surrounding properties and a site notice was also posted nearby, expiring 1<sup>st</sup> November 2024. One objection was received from one address with the following concerns raised:

- Concerned about the height of proposed development (2 + storey) in relation to our property which is south facing and set considerably lower. Therefore, we will incur shading and loss of natural light in our property and garden affecting our use and enjoyment.
- Concerned about reduced privacy due to the proposed development overlooking our property and garden due to the number of windows (5) facing and near our property and garden.
- Concerned that the appearance of the proposed development is bulky, massing and not harmonious with the line of other properties; and will cause a negative contribution to ours and other neighbouring properties.

### **Assessment**

#### Principle of Development

The application site is allocated as urban fabric in the adopted Local Plan. Local Plan Policies GD1 and H4 are therefore applicable and require development to be compatible with its surroundings. In this instance, the surrounding area is principally residential.

The principle of development involving the erection of a detached building for residential use within the application site has been established by the approval of application 2018/0774.

Local Plan Policy H4 indicates that proposals for residential development on sites below 0.4Ha will be allowed where the proposal would comply with other relevant policies in the Local Plan. Such sites make a valuable contribution to the housing supply. Sites in towns and villages can offer good opportunities for providing houses where other people already live, near to shops and services. Developing these sites also reduces the need to provide new sites outside settlement boundaries. We will allow small scale residential development within towns and villages in line with other policies, including those protecting peoples living conditions, road safety and design.

All new dwellings must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level, for new and future residents and those existing, including visual amenity and highway safety.

## Residential Amenity

Local Plan Policy GD1: General Development, indicates that support will be given to development if there will be no significant adverse impact on the living conditions and residential amenity of existing and future residents, and the development would be compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land.

Local Plan Policy POLL1: Pollution Control and Protection, indicates that support will be given to development if it is demonstrated that there would not be likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

The South Yorkshire Residential Design Guide (SYRDG) sets out internal space standards for new dwellings. Support will be given to development if the internal space standards are complied with.

The Design of Housing Development SPD sets out design principles that will apply to new housing developments, including infill and back land development. Support will be given to development if it would ensure that high standards of privacy, light and outlook would be provided for existing and future residents and would not be detrimental to the amenity afforded to adjacent properties.

During the application process, one objection was received regarding potential overshadowing and loss of privacy impacts.

The proposed dwelling would be erected on a small parcel of land to the north-west of and adjacent to an end-of-terrace dwelling and located in an area that is principally residential.

The proposed dwelling would be positioned to the north-west of 119 Cherry Tree Street, to the south-west of 2 Levick Croft and to the south-east of an adjacent car park which serves a nearby block of flats. Development located directly to the south, south-east and south-west of surrounding properties is generally considered to have a greater impact than development located to the north, east or west. It is therefore acknowledged that some overshadowing could occur, particularly to the adjacent car park and to the rear curtilage of 2 Levick Croft. However, a detached building with a larger footprint was approved under application 2018/0774, and while the current proposal would adopt a slightly greater roof height (approximately 0.6 metres), an increased distance from the northern boundary would likely offset any potential significant overshadowing. Any potential impact would likely occur towards the evening and would fall within the very rear of the neighbouring curtilage which is likely to be less used. It is considered that any potential degree of overshadowing would likely be less than that which could have otherwise occurred had the detached building approved under application 2018/0774 been erected. The proposal is therefore considered acceptable in this regard.

The proposed dwelling would have first floor windows located on its front and rear elevations with a highly positioned window located on its north-west side elevation. A first floor Juliet balcony was also re-located to the rear elevation during the application process. A separation distance of less than 12 metres would be achieved between the front-facing habitable room windows of the proposed dwelling and the neighbouring properties opposite. However, the building would conform to existing building lines where the existing separation distance is less than that which is normally required. The proposal would therefore not introduce any significantly greater harm in this regard.

A sufficient separation distance of 21 metres or more would be achieved between the rear-facing habitable room windows of the proposed dwelling and 2 Levick Croft, in accordance with the Design of Housing Development SPD. The first floor Juliet balcony could also be implemented as permitted development (therefore not requiring planning permission) at a later date if it were to be omitted from the proposal. Moreover, as the proposed dwelling would comprise of two storeys, the requirement for back-to-back separation distances to increase by 3 metres for every additional storey above this, is not applicable in this instance. One ground floor and one first floor rear-facing window which would

serve a WC, and a bathroom are shown to be obscure glazed. These windows will be conditioned to be retained as such to maintain the privacy of any future occupant(s) of the proposed dwelling. The window located on the north-west side elevation of the proposed dwelling would face towards an adjacent car park and would not impact the amenity of any surrounding residential uses. The proposal is therefore considered acceptable in this regard.

The proposal would not result in significantly reduced levels of outlook and is therefore considered acceptable in this regard.

The proposal would comply with the internal space standards for a 1-bedroom 2-person dwelling as set out by Table 4A.1 Space Standards within the SYRDG.

The proposal includes the provision of a courtyard garden of approximately 26m<sup>2</sup> to the rear. The Design of Housing Development SPD and SYRDG states that rear gardens should be at least 50m<sup>2</sup> in the case of 2-bedroom dwellings, but smaller gardens may be acceptable where privacy and daylighting can be maintained. The courtyard garden would be fully enclosed and private, and although it may experience some overshadowing because of the proposed dwelling, the adjacent neighbouring curtilage is free from development and would enable reasonable access to daylight. The proposal is therefore considered acceptable in this regard.

The proposed works have the potential to cause nuisance to people who live or work in the locality, and although any potential impacts are likely to be temporary, a condition will be used to control the times in which development related activities can be undertaken.

The integral garage will be conditioned for domestic use only, and some permitted development rights will be removed to safeguard the private amenity space to the rear.

*Considering the above, the proposal is therefore considered to comply with Local Plan Policy GD1: General Development and Local Plan Policy POLL1: Pollution Control and Protection and would be acceptable regarding residential amenity.*

### Visual Amenity

Local Plan Policy D1: High Quality Design and Placemaking, indicates that support will be given to development if it would achieve a high quality of design and would respect, take advantage of, and reinforce the distinctive local character and features of Barnsley.

The Design of Housing Development sets out detailed guidance in support of Local Plan Policy D1.

During the application process, one objection was received regarding the visual appearance of the proposed development and the potential negative contribution it could have.

A two-storey detached building comprising ground floor garages and a first-floor flat was approved under application 2018/0774. The building intended to adopt a brick construction with a pitched roof with concrete roof tiles, and the roof height would not have exceeded the ridge height of the adjacent end-of-terrace property.

The current proposal follows an application for pre-application advice and some minor amendments made during the application process in the interests of visual amenity. The current proposal appears significantly different to the development approved under application 2018/0774 and is considered to be much improved. The proposal has been achieved through positive communications between the local planning authority, agent and applicant.

The proposed dwelling would now adopt the appearance of a two-storey dwelling which is more in-keeping with the local character, and the general scale, form and massing of the proposed dwelling would adopt a reduced footprint, increased roof height and a staggered elevation to the rear, which

is not considered bulky and is a significant improvement on the design of the previously approved scheme. The proposed dwelling would also conform to existing building lines and would maintain a staggered ridge line that would follow the falling gradient of the street and would replicate the design and appearance of adjacent properties. Amendments suggested during the application process, including the lowering of the eaves to the front, the re-location of a Juliet balcony to the rear elevation, alterations to windows and enlarged window heads have been fully implemented which is welcome. The lowered eaves, enlarged window heads and the introduction of a new small first-floor window to the front elevation have helped to reduce and break up large empty expanses of material. The alterations to the windows on the front elevation and the enlarged window heads also better reflect the style and proportions of the windows seen on adjacent properties. The integral garage has been given much less significance within the current design, and the provision of a stone wall planter and soft landscaping to the front of the proposed dwelling would help to soften the appearance of the development within the street scene. The side and rear elevations of the proposed dwelling would largely be unseen from the surrounding public realm and trees bounding and adjacent car park would provide some screening.

External materials are indicated as coursed artificial stone with cast lintels and cills, artificial slate, cream UPVC windows, a black UPVC entrance door and a black PPC garage door. The proposed materials are acceptable in principle, but full external materials details will be required by condition.

*The proposal is therefore considered to comply with Local Plan Policy D1: High Quality Design and Placemaking and would be acceptable regarding visual amenity.*

#### Highway Safety

Local Plan Policy T3: New Development and Sustainable Travel, indicates that support will be given to development if it would be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists, including providing at least the minimum levels of parking for cycles, if required.

Local Plan Policy T4: New Development and Transport Safety, indicates that support will be given to development if safe, secure and convenient access and movement will be maintained for all transport users, and that highway safety would not be significantly adversely affected.

The Parking SPD sets out detailed guidance influenced by the SYRDG in support of Local Plan Policies T3 and T4.

The application site is served by an existing dropped kerb. The proposed 1-bedroom dwelling would incorporate an integral garage that would be of sufficient size to be counted as a parking space, in accordance with the parking SPD and the SYRDG.

The proposed dwelling would also be set back from the back edge of public highway and a sufficient distance would be achieved as to allow the use of an up-and-over garage door, and to also allow for adequate pedestrian visibility. An existing telegraph pole and street lighting column located to the front of the application site would be re-located as part of the proposed development.

A review of personal injury accident data for the last five-year-period shows that there have been no personal injury accidents recorded within a 250-metre-radius of the application site. The application site is also located in an established residential area and is within a 400-metre walk of Elsecar Train Station and local amenities and is therefore considered to be in a sustainable location.

Highways Development Control were consulted on the proposal and no objections were raised. The proposal is therefore not considered to be prejudicial to highway safety.

*The proposal is therefore considered to comply with Local Plan Policy T3: New Development and Sustainable Travel and Local Plan Policy T4: New Development and Transport Safety and would be acceptable regarding highway safety.*

#### Biodiversity, Geodiversity and Trees

It was established during the application process of 2018/0774 that the application site had been cleared of any meaningful vegetation. As the application site remains cleared, the Council's Forestry Officer had no comments to make.

This proposal is exempt from Biodiversity Net Gain requirements. However, the application site is located within a nature improvement area, and although some soft landscaping has been proposed, it is also considered that at least 2no. integrated bat roosting boxes and integrated swift boxes should be installed in suitable locations within the proposed dwelling. The provision of these integrated boxes will be conditioned in line with the comments of the Council's Planning Ecologist.

*The proposal is therefore considered to comply with Local Plan Policy BIO1: Biodiversity and Geodiversity and would be acceptable.*

#### Sustainable Construction and Climate Change Adaptation

The Sustainable Construction and Climate Change Adaptation SPD sets out the Council's approach to planning decisions in respect of sustainable construction and adapting to climate change. The SPD supports several Local Plan policies, including Local Plan Policy RE1 which is of relevance to this proposal.

Local Plan Policy RE1: Low Carbon and Renewable Energy, indicates that support will be given to development if it would incorporate appropriate design measures, decentralised, renewable, or low carbon energy sources to reduce carbon dioxide emissions, and would not materially harm the character of the landscape and the appearance of the area or highway safety.

The proposal would incorporate solar panels on the street-facing roof plane of the proposed dwelling. The solar panels would be located at height and would be modest in size and number. The solar panels would therefore have a negligible impact on visual amenity and highway safety, and the likely benefits would outweigh any potential harm.

The proposal also includes the provision of an EV charging point within the integral garage. However, this will be considered during future regulatory stages.

*The proposal is therefore considered to comply with Local Plan Policy RE1: Low Carbon and Renewable Energy and would be acceptable.*

#### Conclusion

The proposal would make efficient use of a relatively small parcel of land which has been a long-standing gap within the street scene. The general scale, form, massing and design of the proposed dwelling would be sympathetic and in-keeping with the local character, and the proposed dwelling would sit comfortably within established building lines. Adequate separation distances would be maintained, and the proposal would not be significantly detrimental to the amenity of the occupant(s) of surrounding dwellings. The proposal complies with the relevant Local Plan policies, accompanying design guidance and internal and external spacing standards, and is considered to be a significant improvement on the previous scheme.

**Recommendation -  
Approve with Conditions**