
2022/0621

Mrs Laura Long

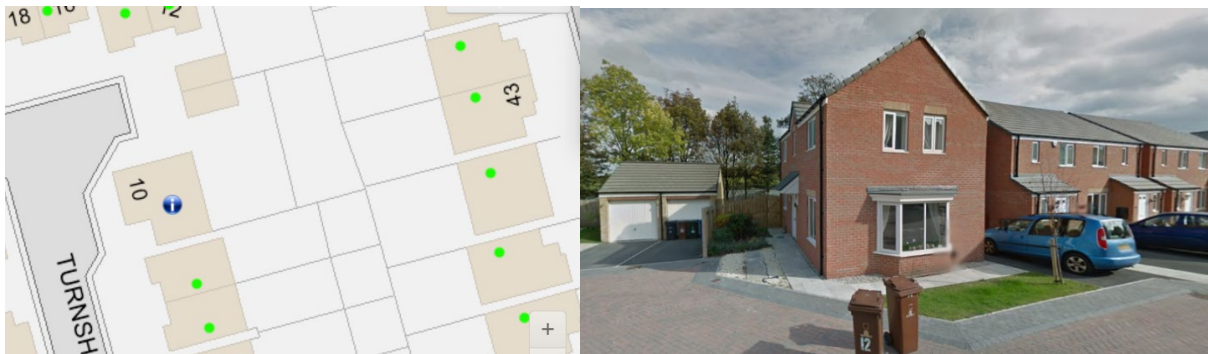
Extension to domestic garden area, land re-profiling works within rear garden to create patio area and provision of associated steps and retaining walls (Amended Description and Part-Retrospective)

10 Turnshaw Mews, Barnsley, S70 4PZ

Site Location & Description

The applicant's property is a detached red brick dwelling located on Turnshaw Mews which is a cul-de-sac on a residential estate in Worsbrough. The property is situated towards the head of the cul-de-sac with the main access facing North, and a parking area to the South, with an integral garage. To the rear (East) of the dwelling is a garden which has been re-graded with a patio area and decking area. To the rear of the site is another street on the estate – Bluebell Bank – which is at a significantly lower ground level.

The surrounding street scene is characterised by residential dwellings of varying designs, structures and external materials.



Existing rear elevation and patio area:

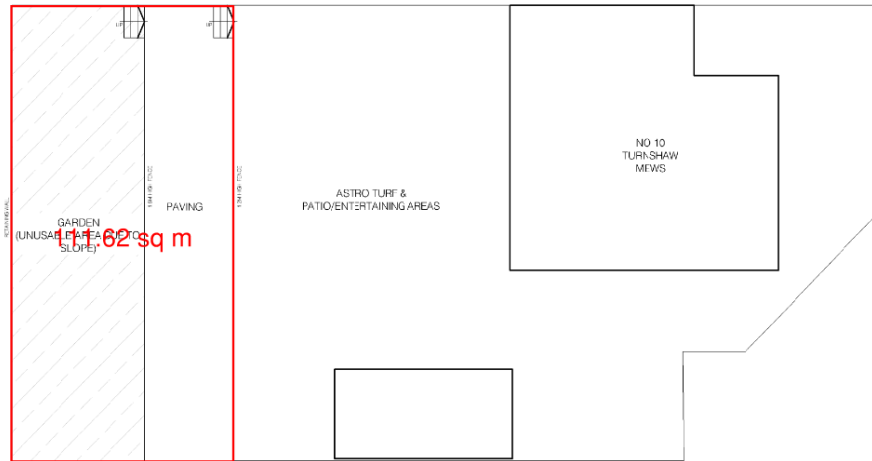


Proposed Development

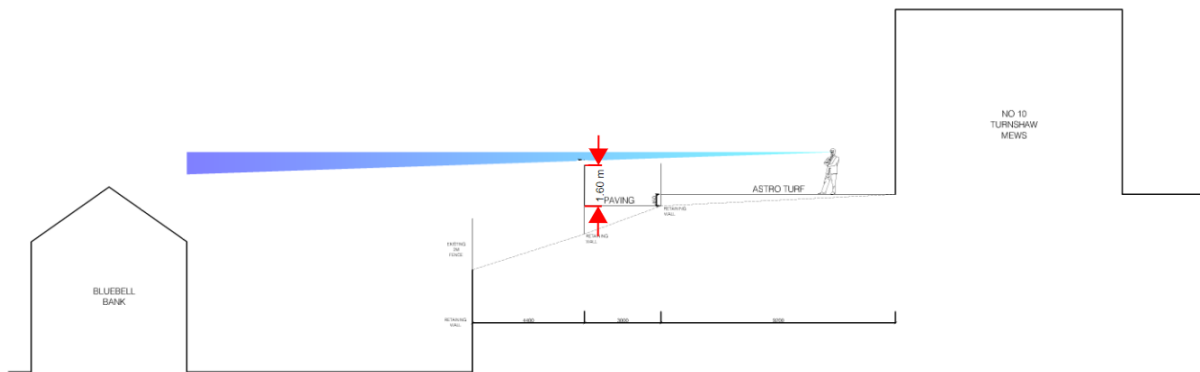
The applicant is seeking part-retrospective approval for the following pieces of development:

1. Extension of domestic garden area to the East (measuring 112sqm)
2. Re-grading the extended garden area land with retaining walls, and
3. The formation of a patio area.

The plans originally included a decking area, but this has been removed from the plans and is no longer being considered. The existing decking area will be removed from site and a new bamboo fence placed on the rear boundary line at a height of 1.6m.



SITE PLAN AS
PROPOSED 1:200



TYPICAL SECTION AS
PROPOSED 1:200

Relevant Planning History

2006/1894 – Residential development of 200 dwellings with associated landscaping and access (Approved subject to Legal Agreement)

2010/0406 – Variation of condition 40 of previously approved application 2006/1894 to allow occupation of additional plots prior to the scrap yard being decommissioned and remediated in its entirety (Approved with conditions)

2010/1013 - Residential development of 200 no. dwellings and associated works (Approved subject to legal agreement)

2011/1034 - Variation of condition 14 (timescale for highway improvement works) of planning permission 2010/1013 - Residential development of 200 dwellings and associated works (approved subject to legal agreement)

2012/0490 - Substitution of house types to 17 no. dwellings on previously approved application 2010/1013 (Approved with conditions)

2012/0817 - Substitution of house types Plots 90-141 and erection of 3 no additional houses
(Approved subject to legal agreement)

2013/0270 – Substitution/repositioning of 11 no. dwellings (plots 142-152) to previously approved residential development 2010/1013 (Approved subject to legal agreement)

2013/0305 - Substitution of house types Plots 139-141 and erection of 1 no. additional house
(Approved with conditions)

Policy Context

Planning decision should be made in accordance with the local 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 Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

NPPF

The National Planning Policy Framework 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.

In respect of this application, relevant policies include:

Section 12: Achieving well designed places - The Government attaches great importance to the design of the built environment. 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.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Within section 12, paragraph 130 is the most relevant which indicates 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.

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 (adopted January 2019), alongside the Joint Waste Plan and relevant neighbourhood plans, form the statutory development plan for Barnsley. It establishes policies and proposals for the development and use of land up to the year 2033 and will be used when considering planning applications and to coordinate investment decisions that affect the towns, villages and countryside of Barnsley. The Local Plan supersedes the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Local Plan

In reference to this application, the following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development – sets out principles when considering development proposals.

Policy GD1: General Development – sets out appropriate proposals for development.

Policy D1: High quality design and place making – sets overarching design principles for the borough to ensure that development is appropriate to its context, and improves what needs improving, whilst protecting what is good about what we have.

Policy T4: New Development and Highway Improvement - New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

SPD: House extensions and Other Domestic Alterations

Supplementary Planning Document - House Extensions sets out the design principles that specifically apply to the consideration of planning applications for house extensions, roof alterations, outbuildings & other domestic alterations. The general principles are that proposals for should:

1. be of a scale and design which harmonises with the existing building
2. not adversely affect the amenity of neighbouring properties
3. maintain the character of the street scene and
4. not interfere with highway safety.

These policies 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.

Consultations

None

Representations

Neighbour notification letters were sent to neighbouring properties on two occasions, once for the original proposal (July 2022) and once for the amended proposal (August 2022).

Original proposal:

Five comments were received to the amended proposal raising the following concerns:

1. Drainage – Questioned what consideration has been given to rainwater runoff. Should the decking have been laid run away from the property on Turnshaw Mews and towards the properties on Bluebell Bank, rainwater could be forced over the retaining wall and into the gardens below causing flooding. The development has seen the introduction of several tonnes of hardcore and other building materials. This will lead to much greater water run off.
2. Overlooking – the lower section of the development/decking area overlooks the gardens/bedrooms to the properties on Bluebell Bank below. The middle level (Patio) has been raised by several feet allowing someone to stand on this area and look directly into the properties to the rear.
3. Overshadowing – the fence and decking height has significantly restricted the natural light reaching the neighbouring properties on Bluebell Bank. The new fence exceeds 2m from ground level and directly leads to overshadowing to substantial parts of the rear gardens and habitable room windows on Bluebell Bank.
4. Difficulty assessing the plans – The plans are difficult to interpret, and it is felt that the neighbours should not be allowed to agree to any plans unless more clarity is given.
5. Design – The new fence has been poorly constructed and is higher than the original fence, out of character with it and is a very poor visual aspect from the neighbouring perspective.
6. Noise and general disturbance – Because of the elevation of the decking and the empty space underneath, the sound resonates down and echoes into neighbouring properties.

Other concerns were raised to various elements of the proposal/site, but these are not material planning considerations which can be taken into account at this stage. These are as follows:

1. Safety of the structure – Concerns have been raised to the safety of the development, which is retrospective, with fence panels already breaking and falling off etc. More general concerns

have been raised in respect to the quality of the construction works and whether the build can hold the amount of material which has been placed on the site. These concerns will be referred to Building Control.

2. Legality of retaining wall, land ownership and access into the previously shared land for maintenance
3. Devaluation of the neighbour's homes.

Amended proposal:

Three neighbour representations were received, objecting to the revised proposal and raising/reiterating the following concerns:

1. The amended height of the fence would still lead to overshadowing to neighbouring properties and will have the same overshadowing impact and look the same as what is on site now.
2. Planning process – The decking area has been removed from the plans which gives the interpretation that this element has been refused. However, no confirmation or explanation has been given by the Council. The decking should also be removed firstly to show where the proposed patio is located and an amended, clear set of plans should be submitted.

Other non-material planning considerations were raised/reiterated, such as:

1. The safety of the building given the large amount of extra weight that has been added above the retaining wall without architectural or structural engineering input nor building control oversight.

Assessment

Principle of development

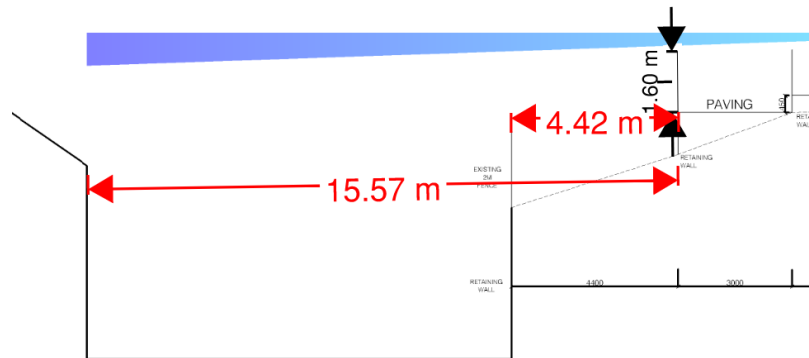
The site falls within the urban fabric which has no specific land allocation; however, the site and immediate surrounding area is made up principally of housing. Extensions, alterations to residential properties and the erection of domestic outbuildings are considered acceptable in these areas where they do not have a detrimental impact on the amenity of surrounding residents, visual amenity or on highway safety.

Residential Amenity

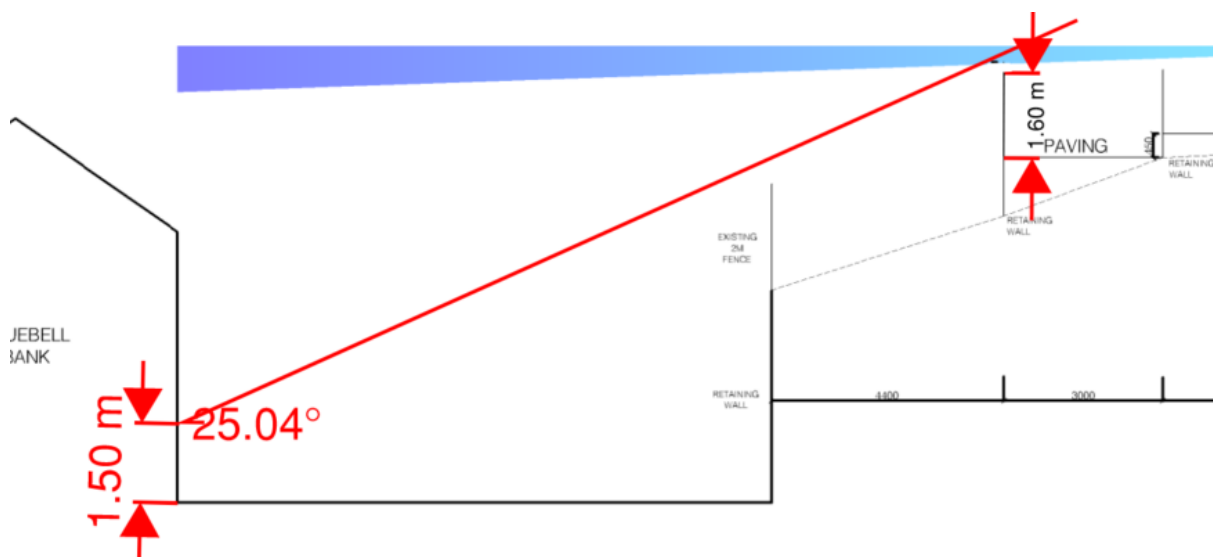
The application was initially submitted as retrospective following several neighbour complaints to colleagues in Planning Enforcement. Initially, the proposed scheme included the decking and patio area currently shown on site where part of the rear garden area has been re-graded. Additionally, this area was initially not a part of the rear garden and was an undeveloped part of the original residential estate. There has already been encroachment into this area from the applicant's property and other properties on Turnshaw Mews. The extension of the garden area into this adjacent area has therefore been added to the description of development and is being considered as part of this application.

To the rear of the site is a steep drop (shown on the plans as being 4m) directly adjacent to the rear gardens of several neighbouring properties on Bluebell Bank. The site visits clearly showed that there is an overlooking issue from the decking area into the rear gardens and rear elevations of several properties on Bluebell Bank, with the most impacted being nos. 43 and 45 which are directly to the rear of the site. It was considered that the current/initially proposed arrangement was in conflict with Local Plan Policy GD1 as it directly impacted the privacy of neighbourly properties and therefore had an adverse impact on the amenity enjoyed by the existing residents of Bluebell Bank. The amended plans therefore removed the decking area which effectively pushes the rear boundary line of the development West/into the site by 4m, with the patio area being retained. The rear fence line of the proposed patio area is shown on the plans to be at a distance of 4.4m from the rear boundary line and 15m from the rear elevations of nos. 43 Bluebell Bank. There is no defined separation distance in any Local Planning Policies which stipulate a minimum separation distance of raised patios to boundary lines, with a more general assessment against Local Plan Policy GD1 being necessary. The addition of a 1.6m high fence on the rear of the patio area is considered to be sufficient to protect the privacy of properties on Bluebell Bank. The separation distance of 15m and the buffer zone of 4.4m plus the

1.6m high fence is considered to be an appropriate compromise measure in this case to protect privacy to the properties on Bluebell Bank.



There have also been concerns raised from neighbouring properties in relation to the development resulting in significant levels of overshadowing to neighbouring properties, citing current overshadowing from the existing decking/fence on the rear boundary line. These concerns can be understood as the existing decking and patio area is effectively built on a raised platform with a 1.2m high boundary fence on the boundary line. However, the development is primarily situated to the West of the neighbouring properties on Bluebell Bank. Generally, buildings and structures directly to the South of neighbouring properties have a much greater overshadowing impact on neighbouring dwellings, especially when this impact is on the immediate portion of the rear garden and habitable room windows. The amended scheme shows a separation distance of 4.4m from the fence on the rear of the patio area and the rear boundary line which results in the majority of the overshadowing impact being on the unusable sloped area shown on the plans. It is appreciated that the fence will be situated on land which has effectively been raised, but given the proposed fence is 1.6m, it is 2.1m higher than the existing fence shown on the plans. Whilst not specifically associated with the assessment of this application, the Council has an SPD which refers to non-residential buildings and the impact on residential amenity. This contains a 25-degree assessment in which a 25-degree angle is drawn upwards from the centre-point of the lowest window on the nearest elevation. One of the recommendations within the document states that developments should achieve suitable daylight when an unobstructed vertical angle of 25 degrees can be drawn. The nearest properties at nos. 43 and 45 Bluebell Bank contain a kitchen window and set of patio doors. When drawn from the centre point (approximate – 1.5m from ground level), no part of the proposed fence falls within this angle.



The above is a general assessment which shows that there would be an unobstructed angle from the rear elevation, and whilst the proposed fence would be visible, it would not have a significant impact on outlook or the amount of light reaching the neighbouring properties.

The amended scheme removing the decking area significantly reduces the previous concerns raised in terms of overlooking and overshadowing to neighbouring properties on Bluebell Bank. Whilst it is likely that there will be a slight increase in the amount of overlooking and overshadowing to neighbouring properties, this is not considered to be to an unreasonable level from the patio area or the proposed fencing. The extended garden area itself does not present any concerns in terms of residential amenity. The proposed development is therefore considered to be borderline but is acceptable in terms of residential amenity.

Visual Amenity

A site visit has been undertaken from the rear gardens of the properties on Bluebell Bank and the existing rear boundary fence is clearly visible from these properties alongside the supporting beams/structures – see photograph below. The amended scheme shows the removal of the decking area which will effectively re-position the rear boundary line/fence 3m to the West/into the site, away from the neighbouring properties on Bluebell Bank. The existing 1.2m high fence will also be removed from the rear boundary of the decking.



The proposed development is to the rear of the site which typically would mean that the site is screened from public areas but in this case, the steep drop to the immediate rear of the site significantly increases its visibility. The revised scheme includes the erection of a 1.6m bamboo fence on the rear boundary line which will be visible from the top of the existing boundary treatment on the rear boundaries of Bluebank Bank. The fence will be on the top of a raised section of ground level/retaining wall (measuring 1.15m in height as shown on the plans) which adds to its height and visibility. However, a 1.6m high fence in itself is not excessive and there is an array of different boundary treatments nearby, with the existing retaining wall and fence on the rear boundaries of Bluebell Bank providing screening. Generally, the presence of a patio area is not uncommon within residential areas and the proposed development is not considered to look out of character. The removed decking area will bring the development as a whole away from neighbouring properties, naturally reducing its visibility and the proposed fence will appear similar to what is on site/nearby currently.

The proposed extension to the garden area and the use of bamboo fencing/screening has also been somewhat established by other properties nearby such as nos. 2 and 4 Turnshaw Mews – this is partially visible on the site photograph above.

It is considered that the proposed development (amended scheme) is acceptable in terms of visual amenity/design.

Highway safety

No impact on highway safety.

Other matters

Neighbour concerns have been raised regarding the safety of the structure which have been acknowledged and can be understood. However, the safety of the structure is not a material planning consideration and has not been formally assessed at this stage. These concerns will be expressed to Colleagues in Building Control.

It has been advised that there is additional background to the application with trees being removed from the area of land where the garden extension is proposed, with the neighbour under the assumption that the tree stumps should have been removed in the process. The trees have already been removed prior to the application being submitted and are not being considered at this stage. The previous/ongoing disputes regarding the trees are a private/civil matter.

Recommendation

Approve with Conditions