

Householder Proforma

Application Ref: 2021/1666

Address: 6 Mylor Court, Monk Bretton, Barnsley, S71 2BY

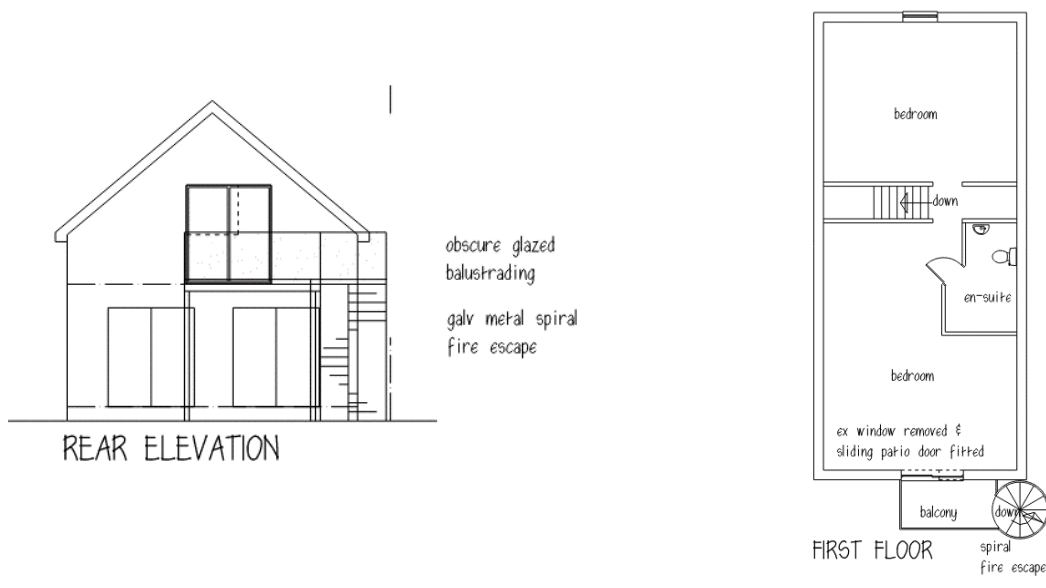
Property Description: The existing dwelling is a detached chalet style bungalow that is located within a modern housing development in the southern part of Monk Bretton. Mylor Court is a cul-de-sac of detached dwellings which falls north to south. Most other properties on Mylor Court are single storey bungalows apart from the application dwelling and the immediate next door at No.4 which are both chalet bungalows. The existing property located to the north west (34 Helston Crescent) whose garden backs onto the application site is also a single storey bungalow.

The property has been subject of alteration in 2007 where permission was granted to convert it from a single storey bungalow into a chalet bungalow with a new internal first floor. The images below show the location of the property in the context of the surrounding area and the existing rear elevation from two different locations: -



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Proposed Extension: Erection of first floor balcony and spiral staircase to rear of dwelling to create disabled fire escape. The proposed plans are detailed on the plan images below: -



Neighbour Representations:

No

Consultees:

Neighbour notification only.

Local Plan Designation:

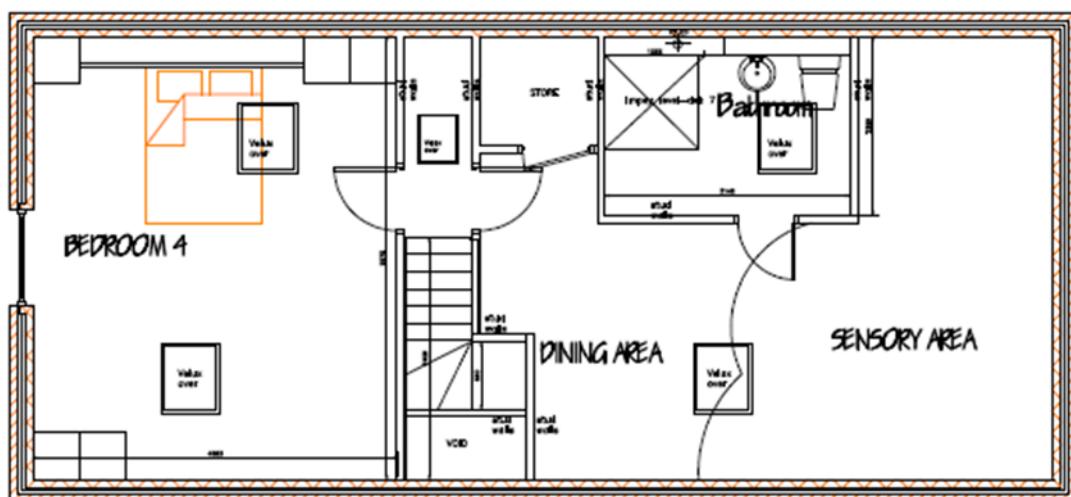
Urban Fabric

Conservation Area:

No

Relevant History:

2007/1953 - Erection of a two-storey side extension to bungalow to form first floor bedroom for a disabled person. Approved with conditions 18 December 2007. The plan image below shows how the 1st floor was designed to accommodate of the applicant: -



PROPOSED 1st FLOOR PLAN

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Assessment

The applicant currently resides on the upper floor of the property and is severely autistic, requiring specialist care needs.

The applicant seeks permission for the installation of a first-floor rear balcony and spiral staircase to provide an emergency escape route for the disabled applicant. The balcony is to be located on the western (rear) elevation of the dwelling and is to measure 1.4m by 2.8m with an obscure glazed balustrade that is 1.2m in height.

Domestic extensions and alterations should ensure that the levels of amenity neighbouring properties might reasonably expect are maintained, with rear gardens being afforded higher levels of protection than front gardens.

The proposed balcony would measure 1.4m by 2.8m which is of a significant size and could allow the space to be used for recreational purposes. This would increase levels overlooking of the private rear gardens of the neighbouring dwellings to the north and south and of the property to the rear (west), 34 Helston Crescent as it would be located within relatively close proximity to the private rear garden areas of those properties: -



Ordinarily the proposal would be contrary to the Supplementary Planning Document and Local Plan Policy GD1 therefore and would not normally be supported, especially where it is not proposed to install substantive privacy screens.

However, supporting information has been received which explains the proposal has been informed by an independent assessment of the applicants living conditions in 2021 by an expert who specialises in Autism (Cathleen Long – Independent Social Worker). She highly recommended the provision of a fire escape for the applicant and wrote to the Head of Mental Health and Disabilities service within the Council to recommend this citing an

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example of a Coroner's Court case elsewhere where a disabled person could not exit their property during a fire.

Whilst only limited weight can be afforded to personal circumstances because of the legal position which is that planning permission runs with the land and not the applicant our service as the Local Planning Authority is mindful of the Public Sector Equality Duty arising from section 149 of the Equality Act 2010. This requires the authority to have due regard to the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. Amongst other things, for the purposes of the Equality Act, protected characteristics include disability.

Taking the above considerations into account this service has entered into dialogue with the applicant's representative and social care team to consider alternative options and amendments to the proposal. Some of those suggestions, such as an increase in the height of the proposed obscurely glazed balustrading and a reduction in the size of the balcony or its relocation, have not been forthcoming due to the needs of the applicant and the layout and design of the existing dwelling.

As previously mentioned, the balcony would be located on the rear elevation of the dwelling and could potentially allow for overlooking of the neighbouring dwellings and their private rear gardens. The property to the south, 8 Mylor Court, is set back from the highway in relation to the application property and whilst there would be some increase in overlooking balcony, it would generally occur over the roof of the property rather than directly over the private rear garden. The main impact would be that on the existing properties to the north and west including the immediate neighbour No 4 Mylor Court as this property is built on a similar building line to the application property. However, the proposed balcony is located towards the southern side boundary, resulting in it being located approximately 4.8m from the northern side boundary, lessening the impact on that particular property. This, in addition to the inclusion of obscurely glazed balustrading up to a height of 1.2m would limit the impact on the neighbouring dwelling.

The occupants of neighbouring properties have been sent neighbour notification letters and no objections have been received in relation to the proposed development, whilst the lack of objection does not automatically grant an approval it does provide an indication that none of the neighbours are unduly concerned about the proposed development.

On balance, and whilst contrary to Local Plan Policy, in this instance, it is considered that given the nature of the application and the applicant the proposal can be supported subject to a number of bespoke conditions. Such as, the use of the balcony and the associated external staircase is limited to emergency use only and that once the applicant permanently vacates the premises the balcony and fire escape will be removed to ensure that any subsequent occupiers of the property do not use the balcony for anything other than its intended purpose.

Recommendation: Approve subject to the following conditions: -