

<b>Application reference number</b>	2025/0359
-------------------------------------	-----------

<b>Application Type</b>	Full planning permission
-------------------------	--------------------------

<b>Proposal Description:</b>	Front extension to building to enlarge the existing porch
<b>Location:</b>	Shaws Fish and Chips, Barnsley Road, Dodworth, Barnsley, S75 3JU

<b>Applicant</b>	Mr Michael Shaw
------------------	-----------------

<b>Number of Third Party Reps</b>	2	<b>Parish:</b>	n/a
		<b>Ward:</b>	Dodworth

## SUMMARY

The proposal seeks full planning permission for the erection of a flat roof extension which will sit either side of an existing pitched roof porch. While the principal of an extension to the building is acceptable, the proposal is considered to be unacceptable in design terms and out of keeping with the character of the area.

The report demonstrates that any harm generated by the proposal is not outweighed by other material planning considerations. The development would cause an unacceptable level of harm to the appearance of the building and is out of keeping with the wider character of the area.

Recommendation: **REFUSE Planning Permission**

## Introduction

The proposal seeks full planning permission for the erection of a flat roof extension which will sit either side of an existing pitched roof porch. The premises are a fish and chip shop (takeaway).

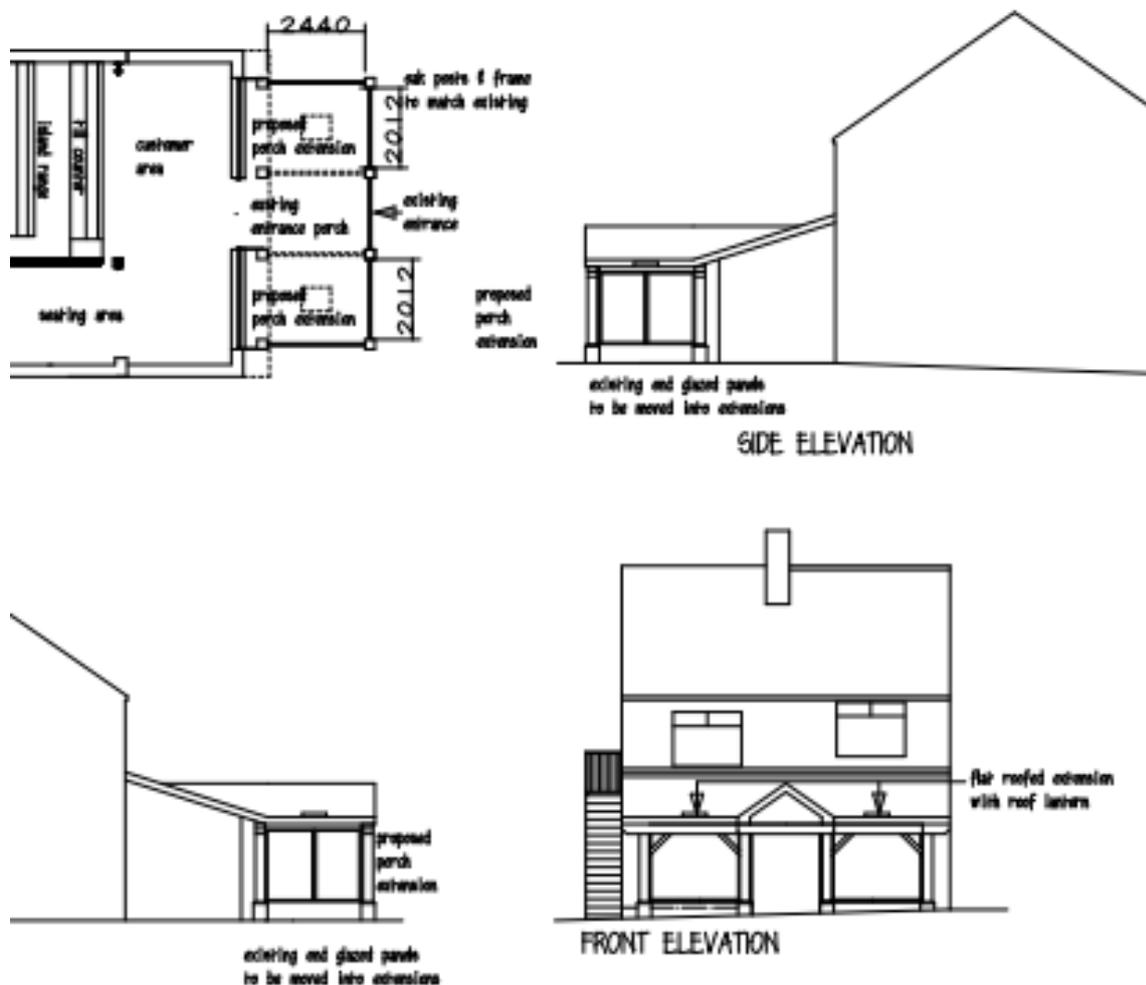
## Site Description

The site currently accommodates a detached building which formerly had the appearance of a house with a pitched roof and a two storey flat roof side extension of a similar size to the house. A number of planning permissions have resulted in a pitched roof over the flat roof extension and extensions to the front of the building comprising a full width pitched (lean to) extension and a central porch with a pitched roof, to provide additional space for the ground floor use of the building as a fish and chip shop

The site is in an otherwise wholly residential area, with a three storey block of flats to the west, bungalows to the east and semi detached houses on the opposite side of Barnsley Road. All of these properties are built of brick (or render) and tile and have conventional pitched roofs.

### Proposal

The proposed front extension will have oak posts and frame to match the existing front and porch extensions. It will have largely glazed walls, a small plinth and a flat roof with roof lanterns. The extension will take the form of flat roof extensions either side of the existing pitched roof porch and will each measure 2.7 metres by 2.9 metres gross floor area and variously 2.3 – 2.6 metres high given the slight fall in land levels from west to east.



### Relevant Site History

<i>Application Reference</i>	<i>Application description</i>	<i>Status</i>
2014/0371	Erection of single storey front extension, erection of a pitched roof over existing flat roof and erection of a side external staircase	Approve with conditions

2015/1192	Variation of condition 2 of 2014/0371 to allow amendment to front elevation	Approve with conditions
2015/0579	Erection of single storey front and rear extensions to shop	Approve with conditions
2021/0621	Fell four trees and crown one	Approve with conditions

## 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 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

The site is identified as urban fabric within the Local Plan and as such the following policies are considered to be relevant to this application:

**Policy GD1 General Development** – sets a range of criteria to be applied to all proposals for development.

**Policy T3 New development and Sustainable Travel** – expects new development to be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cycles. Also sets criteria in relation to minimum levels of parking; provision of transport statements and of travel plans.

**Policy T4 New development and Transport Safety** – expects new development to be designed and built to provide safe secure and convenient access and to not cause or add to problems of highway safety or efficiency.

**Policy D1 High Quality Design and Place Making** – indicates that development is expected to be of high quality design and to reflect the distinctive, local character and features of Barnsley

**Policy Poll1 Pollution Control and Protection** – sets criteria to ensure that new development does not unacceptably affect or cause nuisance to the natural and built environment or to people; or suffer from unacceptable levels of pollution.

### 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. NPPF policy of relevance to this application includes:

**Paragraph 85** Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

**Paragraph 131** – 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

### **Relevant Consultations:**

**Pollution control** – No objections subject to a condition relating to hours of construction and an informative about not causing a nuisance.

**Ward Councillors** – no comments received

### **Representations**

Neighbour notification letters were sent to seven surrounding properties, and a site notice was placed nearby.

Two representations were received. The representations raised the following material planning issues:

- The extension may be required to make a café inside the fish shop which would increase traffic in a location where customer parking already causes problems for parking and visibility when emerging from Thornley Avenue (opposite)

### **Assessment**

The main issues for consideration are as follows: *(add/delete where necessary)*

- The acceptability of the development in principle
- The impact on the character of the area
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

### **Principle of development**

The principle of an extension to this existing building in an area designated as urban fabric in the Local Plan policies map is acceptable subject to assessment of details. The proposal

supports an existing business, but it has not been indicated that any additional jobs will be secured and therefore the economic benefits of the scheme only attract modest weight in favour of the proposal.

#### Impact on the character of the area

The existing building has the appearance of a traditional pitched roof detached building with substantial front extensions that by virtue of their design, including pitched roofs, sit comfortably and appear in keeping with the character of the building and the area.

The proposed flat roof extensions are modest, designed to sit either side of the existing pitched roof porch but it is considered the extent of flat roof will still appear out of keeping with the character of the existing building and the street scene in general. Although the extensions are relatively lightweight because they are mainly glazed walls, they will have a frame to match the existing oak posts and frame on the existing front extension and porch; and will have a flat roof and plinth of unknown materials. In combination, it is considered the framing of the proposed flat roof extensions will draw attention to their form, which is out of character with the building and the street scene. Because of the relationship of the proposed extensions to the previous front extensions, it is not clear that the design of the extensions could be amended in a way that would result in acceptable form of design.

It is concluded that the proposal conflicts with Local Plan policy D1 and national planning policy which seek to secure a high standard of design. Significant weight against the proposal is given to this material consideration.

#### Residential Amenity

The proposed extensions are modest, providing no more than 10 square metre floor area in total internally. The internal layout refers to both customer area and seating area in an existing area of 33.4 square metres. The extensions could provide for either customer waiting or seating (and eating), but this is not likely to result in a significant increase in the number of customers to the detriment of residential amenity of nearby dwellings. Subject to the condition recommended by Pollution Control, it is concluded that the proposal is capable of being in conformity with local plan policies GD1 and Poll1 and this material consideration is given neutral weight.

#### Highway Safety

As the proposed extensions are modest in area, it is not considered likely that any increase in customers would add significantly to traffic or on street parking to such a degree that would cause a significant conflict with national or local planning policy. It is concluded that the proposal is capable of being in conformity with local plan policies T3 and T4 and this material consideration is given neutral weight.

### **PLANNING BALANCE & CONCLUSION**

In accordance with Paragraph 11 of the NPPF (2023) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location, but the design of the proposal is considered to cause harm that is not outweighed by any benefits of the scheme.

The proposal is therefore, on balance, recommended for refusal.

## **RECOMMENDATION**

### **REFUSE PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT**

#### **STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

**The above objections, consideration and resulting recommendation have had due regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.**

In dealing with the application referred to above, despite the Local Planning Authority wanting to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, in this instance this has not been possible due to the reasons mentioned above.