
2021/0582

Applicant: Carol Greenman

Proposal: Erection of 1no dwellinghouse (Outline seeking approval over means of layout and access)

Address: 21 Warner Avenue, Pogmoor, Barnsley, S75 2EG

Site Description

The site is a part of the garden area of 21 Warner Avenue - a hipped roof 1930's style detached dwellinghouse composed of red brick. The site is approximately 206sqm in area with a relatively flat topography reflective of the surrounding area. The north western, north eastern and south eastern boundaries are shared with neighbouring properties while the south eastern boundary fronts the highway and is characterised by a dwarf redbrick wall and privet hedge above which extends around most of 21's boundary with the highway. The proposed plot is sandwiched between the northern side elevation of No.21 and the southern side elevation of No. 23 Warner Avenue. The remainder of the street scene is mostly composed of similarly styled enclosure from the highway of red brick dwarf walls and hedging with most driveways being located to the side of the principle elevation where they bypass the side elevation. The side elevation of No.21 has been subject to a lean-to side extension



Proposed Development

The applicant has developed an outline proposal for 1no dwellinghouse to be situated on land between their side elevation and that of their neighbour No.23 Warner Avenue. The application is specifically in relation to the layout and access of the dwelling with scale, appearance and landscaping being reserved matters. The applicant proposes to remove the lean-to single storey side extension on their property to allow space for the dwellinghouse which shall have a width of 5.7m and a depth of 10m allowing for a 12m separation distance to the side elevation of the bungalow at 1 Warner Place and 10m to the shared boundary. The external envelope of the dwellinghouse is indicatively 57.41sqm – though it is likely to be somewhat smaller when measured internally. The site plan indicates that 2no parking spaces are to be located in front of the dwelling's principle elevation with each bay being approximately 2.7m in width by 5.7m in length.



Policy Context

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 is the borough's statutory development plan which is supported by a series of adopted Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Local Plan

The new Local Plan was adopted at the full Council meeting held 3th January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Relevant Local Plan policies include:

LG2 – Location of Growth – Priority will be given to development in Urban Barnsley.

SD1 – Presumption in favour of Sustainable Development - When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

GD1 – General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

D1 – High Quality Design and Place Making – Development is expected to be of a high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

T4 – New Development and Transport Safety - 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.

H4 – Residential Development on Small Non-Allocated Sites - Proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with other relevant policies in the Plan.

H9 – Protection of Existing Larger Dwellings - Development within the curtilage of existing larger dwellings will be resisted where it will have an adverse impact on the setting of the original dwelling, and the size of the remaining garden area.

Supplementary Planning Documents

- Design of Housing Development (DHD)
- Parking

Other Considerations

South Yorkshire Residential Design Guide (SYRDG)

BMBC Five Year 'Deliverable' Housing Land Supply Report – April 2020-March 2025 –

<https://www.barnsley.gov.uk/media/17582/5-yr-supply-note-2020-2025-fnal-july-2020.pdf>

- Confirms that Barnsley MBC has a 5.8 year supply (5% buffer) and a 5.1 year supply (20% buffer).

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, the policies above are considered to reflect 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 124 (general design considerations) and paragraph 130, which state 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'.

Chapter 11 – Making effective use of land, is also of relevance to this application.

Consultations

Ward Councillors – No response.

Highways Drainage – No objection – satisfied the development can be achieved under the building regulations.

Highways DC – No response following 21 day period

Representations

The application was advertised by way of a site notice and neighbour notification letters despatched to surrounding properties. No responses have been received.

Assessment

Material Consideration

Principle of development
Visual Amenity
Residential Amenity
Highway Capacity and Safety

Principle of development

The proposed development is sited in a residential curtilage that is designated as Urban Fabric in the Local Plan Policies Map. Urban Fabric is land with no specific allocation (Local Plan Para 6.6) that acknowledges that land within that class is capable of being redeveloped on the basis that the layout and access (in this instance) of the development is compatible with the predominant use of the area. When viewed purely in terms of the proposed use of the land, the proposal is acceptable in that it is a form of C3 development in a residential area within Urban Barnsley - it is therefore in accordance with LP Policy LG2. That being said, and mindful of the supporting wording to H9¹, the site is in a sustainable location yet it is classified as Greenfield Land, not Brownfield Land.

Chapter 11 of the NPPF (particularly para 118 (d)) cites that the LPA should afford substantial weight and promote applications concerning re-use of previously developed and brownfield land within settlements for housing. However the NPPF is silent on residential curtilages within Chapter 11 and the LPA can demonstrate a 5 year housing land supply which infers that most, if not all, of the Borough's housing needs can be met through allocated housing sites that have been subject to rigorous investigation and found to be sound by an independent Planning Inspector.

In light of the above and since adoption of the Local Plan, the LPA have been requiring a high standard for windfall development within existing settlements, especially for small-scale infill/backland proposals, irrespective of their sustainable location. For this proposal to be acceptable it is required to meet all guidance and policy requirements as set out by LP Policy H4 for Small Non-Allocated Sites and the residential and visual amenity assessments below are reflective of the LPA's current position in this respect. Following on from this, the proposal may be in accordance with LP Policy LG2, but this in of itself is not a reason for being acceptable in principle. As the proposal does not conform with LP Policies GD1 or D1, the proposal is not acceptable in principle in respect of Policy H4.

Visual Amenity

New development must be based on an appraisal of existing landscape and settlement character, the positive and negative factors of the site and surrounding built environment as well as the advantages and disadvantages of retaining those characteristics. Likewise all new development should be designed as a

¹ The Government has changed the designation of garden areas from 'brownfield land' to 'greenfield land', in an attempt to resist development of additional houses within the curtilage of larger homes, known as 'garden grabbing', as this has also had an adverse impact on larger housing stock. Often additional dwellings have been built within their curtilage, resulting in an adverse impact on the original dwelling.

considered response to topography and townscape to the area in which it is proposed. It is appreciated that 'scale' and 'appearance' are reserved matters, however 'layout' is a principle matter in this instance and it is not simply reserved to the layout of the site itself but also in respect of the interaction of the development with the layout of the existing built environment.

The development is an infill proposal sited in a residential garden in a tight 7.7m wide gap between the side elevation of No 21 Warner Avenue and the shared boundary with No 23 Warner Avenue. The layout and access of the proposed dwelling would result in a large section of the dwarf wall and hedging to be taken out where it currently screens No.21's garden from the highway. The development would consequently result in a car dominated frontage with no enclosure or landscaped front garden between its principle elevation and the highway. This situation would not be reflective of the wider character of the street which has driveways progressing to the side of principle elevations beside landscaped front gardens enclosed from the highway by dwarf walls and hedging (in most instances). The SPD DHD requires parking provision to be accommodated in a similar manner to how it is accommodated elsewhere on the street and the general layout of the proposal would not be reflective of the layout of dwellings across Warner Avenue in this respect as previously mentioned.

The removal of the existing dwarf wall and hedge, which attractively integrate with that of 23's enclosure next door, would be a significant loss to the streetscene that is not justified in terms of visual amenity. The proposal lacks the width to enable a driveway that is not directly in front of the principle elevation and the proposed location of the bin storage area would serve to further erode the appearance of the streetscene in this location. Overall the development would appear highly cramped, shoehorned in and generally at odds with the prevailing character of Warner Avenue as its access and layout are not able to imitate the positive features of the street in respect of parking, enclosure or landscaping.

Overall the proposal conflicts with the objectives of Local Plan Policy D1 and the guiding principles within the SPD DHD. Taken together, and amongst other matters, these policies seek to ensure that new development is responsive to local character and reflects the identity of local surroundings, something which this proposal is unable to achieve given its tight location.

Residential Amenity

Generally the layout of the proposal is acceptable in respect of front and rear separation distances to surrounding properties and it is likely that the dwelling would be capable of meeting the minimum space standards set out in the SYRDG.

Irrespectively, the proposal is fundamentally a garden-grab of No.21's curtilage and, as No.21 is interpreted as a larger dwellinghouse, the impact upon its amenity is significantly eroded through loss of an existing extension and subdivision of its curtilage contrary to LP Policy H9. Indeed No.21 is a well-proportioned and attractive family home in a highly visible corner location and the current and future occupiers of No.21 would lose out on both internal and external space thereby reducing their current standard of living and amenity.

Further to this, the seven side windows of No.23 Warner Avenue could potentially be impacted by the proposal. Though it is understood that side windows have less protection, the cumulative impact of overshadowing across that many fenestrative elements upon a southern elevation would be significant irrespective of the scale of the development. Those rooms within No.23 Warner Avenue currently enjoy light from their southern aspect and the erection of a dwelling directly upon the shared boundary would significantly impinge on existing internal light levels.

Overall the proposed dwelling would be contrary to the principles within the SPD DHD and is therefore not in accordance with the standards of residential amenity required by LP Policies GD1 and H9.

Highway Capacity & Safety

No comments from Highways DC have been received, however the development proposes a sufficient quantum and size of parking spaces to meet the guidance requirements and material considerations outlined within both the SPD Parking and the SYRDG.

On the basis of the above assessment, the access to the proposed dwelling is considered to be adequate in respect Local Plan Policy T4 – New Development and Transport Safety

Conclusion:

The proposal is an inconsistent form of infill development which would result in a cramped appearance that does not reflect the prevailing character of the street in respect of its layout and access arrangement due to it being shoehorned into a gap that is unable to accommodate a dwelling. Likewise the proposal would incur an unacceptable loss of amenity for a larger dwellinghouse (21 Warner Avenue) through the loss of both internal and external space while internal light would be significantly impinged in respect of the fenestra across No.23 Warner Avenues southern elevation.

The development is therefore in contravention of the SPD Design of Housing Development as well as LP Policies GD1, D1, H4 and H9.

Recommendation - Refuse

In the opinion of the Local Planning Authority, the proposed development would be contrary to Local Plan Policies GD1 - General Development and D1 - High Quality Design and Placemaking as well as the SPD Design of Housing Development in that it would be a highly cramped and incongruous form of infill development that would be harmful to the character of the area due to being shoehorned into a narrow plot which prevents a concordant layout in respect of access and landscaping from being achieved and which would incur a car-dominated frontage as well as a loss of soft-landscaping and enclosure to the streetscene

The development is a 'garden-grab' proposal that would result in unacceptable amenity impacts in respect of the loss of internal floor and external curtilage space for a larger dwellinghouse (No.21 Warner Avenue) contrary to LP Policy H9 – Protection of Larger Dwellinghouses while also significantly eroding the internal light levels of rooms within an adjacent dwellinghouse (No.23 Warner Avenue) contrary to the principles of LP Policy GD1 – General Development.

The proposal does not conform with other Local Plan Policies, notably GD1, D1 or H9, and therefore does not benefit from Local Plan Policy H4 for residential development on non-allocated sites and is refused permission by consequence