
2022/0969

Applicant: Mr Richard Senior

Description: Erection of a detached two storey dwellinghouse and associated works

Site Address: 2 Overdale Avenue, Worsbrough Dale, Barnsley, S70 4BB

Site Description

The application relates to the side/rear garden area of a 2 storey, hipped roof, semi-detached property. The site is on a corner plot with Overdale Avenue to the North and Yews Lane to the West. The site has been recently separated from number 2 by boundary treatments and is relatively unmaintained. The land slopes up from Overdale Avenue to the rear boundary. A hedgerow runs along the Western and Southern boundaries.

To the East of the site is the host property, to the North, opposite Overdale Avenue, is a row of townhouses, to the West, opposite Yews Lane, are two storey semi detached properties and bungalows and to the rear of the site is a convenience store.



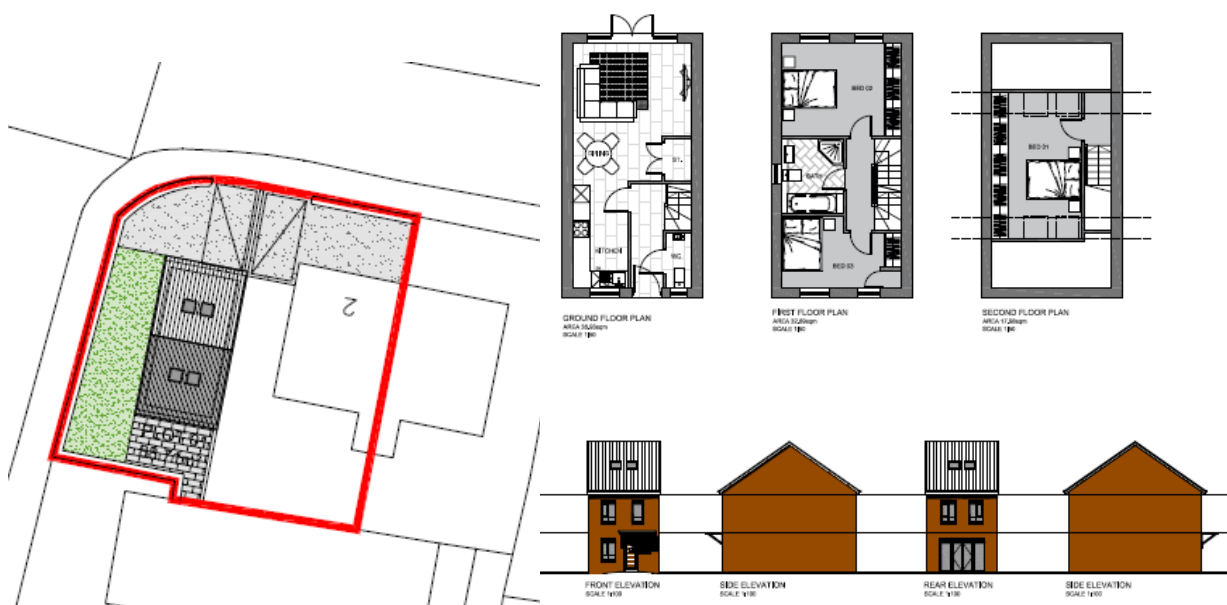
Site History

2020/1469 - Erection of detached two and a half storey dwellinghouse and associated works – Refused for the following reasons;

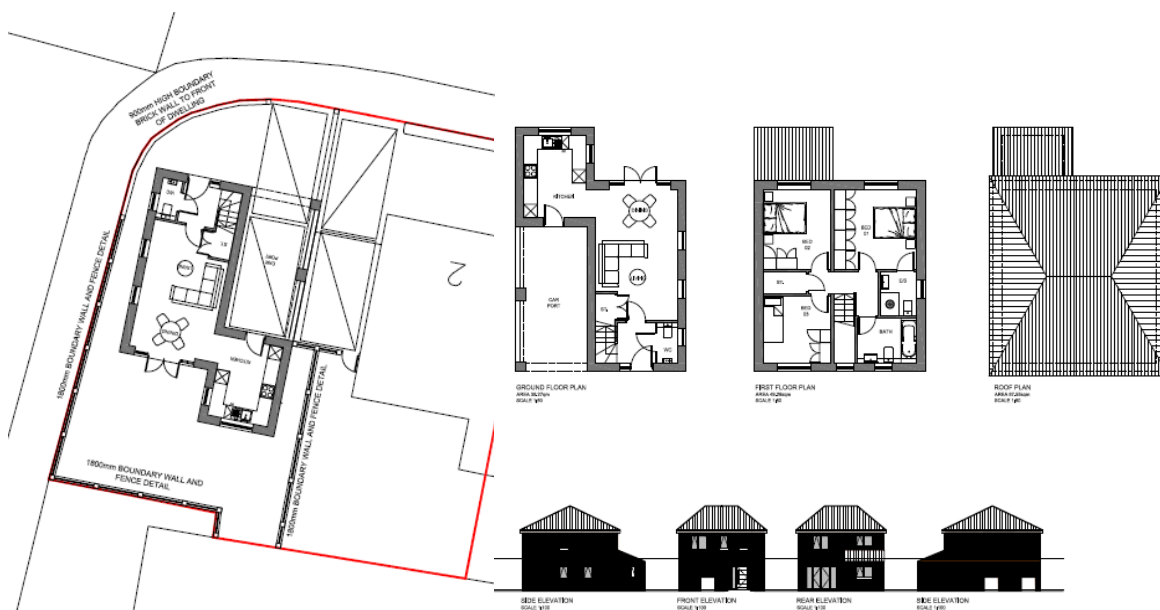
In the opinion of the Local Planning Authority the proposed dwelling would be contrary to Local Plan Policy D1 and SPD 'Design of Housing Development' in that that its design and position would be architecturally inconsistent with the character and development pattern of the immediately adjacent properties and would as a consequence appear as an unduly intrusive and incongruous feature in the street scene to the detriment of visual amenity. This is further compounded by the prominent, corner position and exposed nature of the site.

In the opinion of the Local Planning Authority, the proposed dwelling would be materially detrimental to the amenities of the future occupants of the dwelling in that it fails to meet the required internal spacing standards set out in the South Yorkshire Residential Design Guide. Furthermore, given the proximity of the proposed rear elevation, and its associated habitable room windows, to the rear boundary and the side elevation of the neighbouring convenience store, the occupants would suffer poor levels of outlook and light, contrary to Local Plan Policy GD1 and SPD 'Design of Housing Development'.

The proposed development fails to provide sufficient and suitable car parking provision for the application property and number 2 Overdale Avenue, contrary to SPD 'Parking'. Consequently, the proposal would be likely to result in on-street car parking along Overdale Avenue, within close proximity to the junction with Yews Lane. Furthermore, the proposed development fails to provide sufficient and suitable accommodation within the site for the turning of vehicles. As such, the proposal would likely result in vehicles reversing into the highway in close proximity to the junction with Yews Lane. Therefore, the proposal would be to the detriment of the safe and free flow of traffic on the highway and contrary to Local Plan Policy T4.

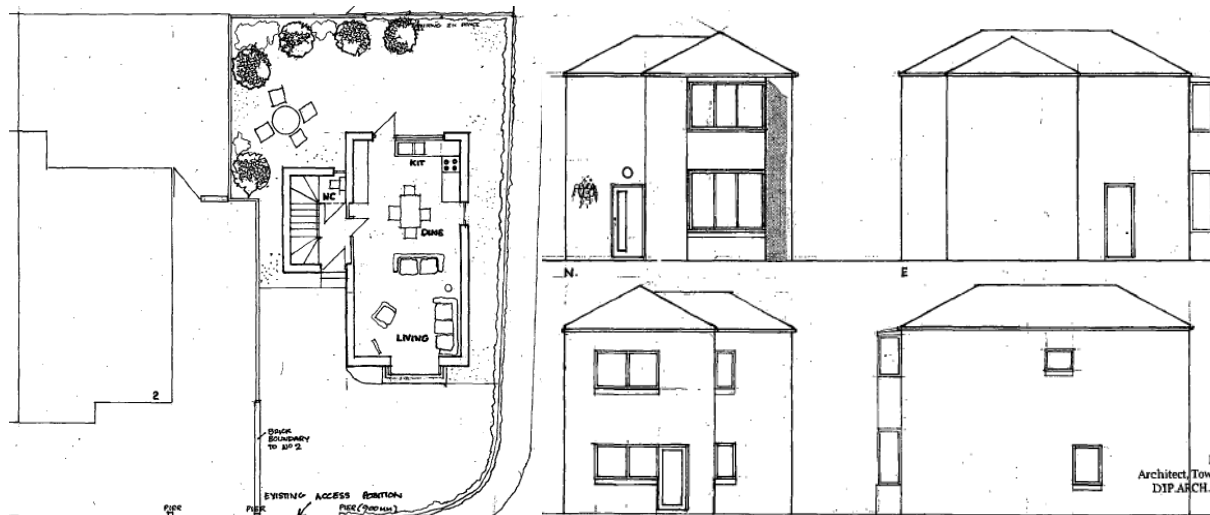


2021/0397 - Erection of detached two storey dwellinghouse and associated works – Withdrawn



Proposed Development

The applicant seeks permission to erect a detached, 2 storey, 2 bed roomed property on the side/rear garden area of number 2 Overdale Avenue. The dwelling would have a drive/turning area to the front and an enclosed garden area to the rear. The dwelling would accommodate an open plan living/dining/kitchen area and WC on the ground floor and 2 no. bedrooms and a bathroom on the first floor.



Policy Context

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

The site is allocated as Housing Allocation within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy H1 The Number of New Homes to be Built

Policy T4 New development and Transport Safety

Policy SD1 Presumption in favour of Sustainable Development

Policy LG2 The Location of Growth

Policy GD1 General Development

Policy D1 High Quality Design and Place Making.

Policy Poll1 Pollution Control and Protection

Policy BIO1 Biodiversity and Geodiversity

Policy CC2 Sustainable Design and Construction

SPD's

Those of relevance to this application are as follows:

- Design of Housing Development
- Parking
- Sustainable Travel

Other

South Yorkshire Residential Design Guide

NPPF

The NPPF 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.

Paragraphs of particular relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 93 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 111 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 126 - The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. 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.

Consultations

Drainage – to be checked by Building Control

Highways – Object due to failure to demonstrate acceptable access/parking

Ward Councillors – No comment

Representations

Notification letters were sent to 12no. neighbouring properties and a site notice was erected within the immediate area. No representations have been received.

Assessment

Principle of Development

The site is allocated as Urban Fabric within the Local Plan. Local Plan policy H4 'Residential Development on small Non-allocated sites' states 'proposals for residential development on sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies within the plan.

All new dwellings proposed must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy. In addition, development will only be granted where the development would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land.

Application 2020/1469 related to a detached dwelling on the site and was assessed under policies and guidelines which are still adopted and relevant. That application was refused on visual amenity, residential amenity and highway safety grounds. Application 2021/0397 was also submitted for a detached dwelling on the site, however, as it failed to address the reasons for refusal on application 2020/1469 it was withdrawn by the applicant.

Whether the current proposal addresses some of, or all the previous reasons for refusal, will be addressed under the headings below;

Visual Amenity

The site is within a very prominent position on a corner plot and is elevated when viewed from the North. The proposed building would be located adjacent to Yews Lane and would be highly visible. It is noted that there is a relatively recent development on the opposite corner of Overdale Avenue and Yews Lane that projects closer to Yews Avenue than the proposed development. However, that was a more comprehensive development not an 'ad-hoc' stand alone individual dwelling.

The proposed development would be seen in the context of number 2 Overdale Avenue, and the adjoining property, which are a pair of hipped roof, brick-built semis. The proposed dwelling would be a stark contrast to that, given that it would be a detached property with relatively narrow front and rear elevations. The proposed dwelling is also set further back on its plot than its immediate neighbour and would not follow the building line. It is acknowledged that the design has been amended since the refusal of application 2020/1469 by removing the rooms in the roof space and proposing a hipped, rather than gable, roof. However, this does not address the previous incongruity concerns regarding prominence, positioning and development pattern with regards to it appearing cramped and shoehorned in on a corner plot. As a result, the dwelling would appear 'ad hoc' and an alien, incongruous feature on the streetscene, to the detriment of visual amenity and contrary to local Plan Policy D1 and SPD 'Design of Housing Development'.

Residential Amenity

The proposed rear elevation of the property would project beyond the rear elevation of number 2 Overdale Avenue which would result in some overshadowing. However, given the separation from the rear elevation and the orientation, it would not be significant enough to warrant refusal on its own in this case.

There are no habitable room windows on the Eastern side elevation of the property facing 2 Overdale and the front elevation windows meet the required separation distances from the dwellings opposite. The proposed rear habitable room windows face the side elevation of the neighbouring convenience store. There is a habitable room window on the Western elevation but it is at ground floor level and is separated from neighbouring dwellings by the existing hedge and Yews Lane. As such, the privacy levels of existing neighbouring residents would be retained to a reasonable degree.

Application 2020/1469 was partially refused as the internal spacing fell short of the requirements set out in the South Yorkshire Residential Design Guide. The current application only proposes 2no. bedrooms rather than 3 and the internal spacing predominantly meets or exceeds the requirements, as such, that part of the previous refusal has now been addressed.

Application 2020/1469 was also refused partially due to a substandard private amenity space. It is noted that the rear elevation has been moved away from the rear boundary and the elevated side elevation of the neighbouring convenience store. However, the rear elevation is still only 4.2m from the rear boundary, compared to the 10m usually required, and also under 5m from the neighbouring side elevation rather than the 12m set out in SPD 'Design of Housing Development'.

In addition, it should also be noted that the side elevation of the convenience store accommodates some plant/machinery. There has been no noise report submitted with the application demonstrating that residential amenity levels both inside and outside the property would be to an acceptable level, contrary to Local Plan Policy GD1 and Poll1.

Given the points above only part of reason for refusal 2 of application 2020/1469 has been addressed.

Highways

The application proposes to provide a detached dwelling with access being gained from Overdale Avenue at the junction with Yews Lane. Drawing DRG A2 Ground Floor Plan and Drawing DRG A1 First Floor Plan show the location of the proposed dwelling but do not provide a site layout including the proposed parking spaces and access to the site from Yew Lane.

Both drawings appear to be incorrect. DRG A2 Ground Floor Plan shows the location of the existing access which is immediately adjacent to a 3m wide access to the side of 2 Overdale Avenue that would be used to gain access to the proposed dwelling, however, if this is utilised a new dropped kerb footway crossing and parking spaces will be required for the 3m wide access to 2 Overdale which cannot be achieved in this location.

The applicant should note that application 2020/1469 for a detached dwelling on this site was refused and included objections on highway grounds due to parking and the location of the access which should not encroach upon the radius to the bellmouth of the junction of Overdale Avenue with Yews Lane. The currently proposed access point is not significantly different to the refused access and, as such, raises the same concerns.

Summary

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

Given the comments above, despite the amendments made since the refusal of application 2020/1469, the proposed dwelling would still fail to provide adequate residential amenity levels for the future occupants given the proximity of habitable room windows to the rear boundary the elevated side elevation of the neighbouring convenience store (which contains plant and machinery), contrary to Local Plan Policy GD1 and SPD 'Design of Housing Development'.

The proposed dwelling has removed the rooms within the roof space and changed from a gable to a hipped roof, however, is still does not respect the character of the immediately adjacent dwellings or the development pattern of the area appearing cramped and shoehorned into a prominent corner plot and at odds with its surroundings. As such, the dwelling would appear incongruous in the streetscene, to the detriment of visual amenity and contrary to Local Plan

Policy D1 and the SPD. However, this does not address the previous incongruity concerns regarding prominence, positioning and development pattern with regards to it appearing cramped and shoehorned in on a corner plot.

Furthermore, the development still fails to provide adequate access, turning facilities and off-street parking for both the host dwelling and the proposed dwelling, contrary to SPD 'Parking' resulting in vehicles reversing into the highway within close proximity to a junction, contrary to Local Plan Policy T4.

Recommendation

Refuse