
Ref 2021/1360

Applicant: Asgari

Description: Removal of existing garage and erection of two storey building hosting storage at ground level and 1no flat above

Site Address: 79 Huddersfield Road, Barnsley, S75 1AA

Site Location and Description

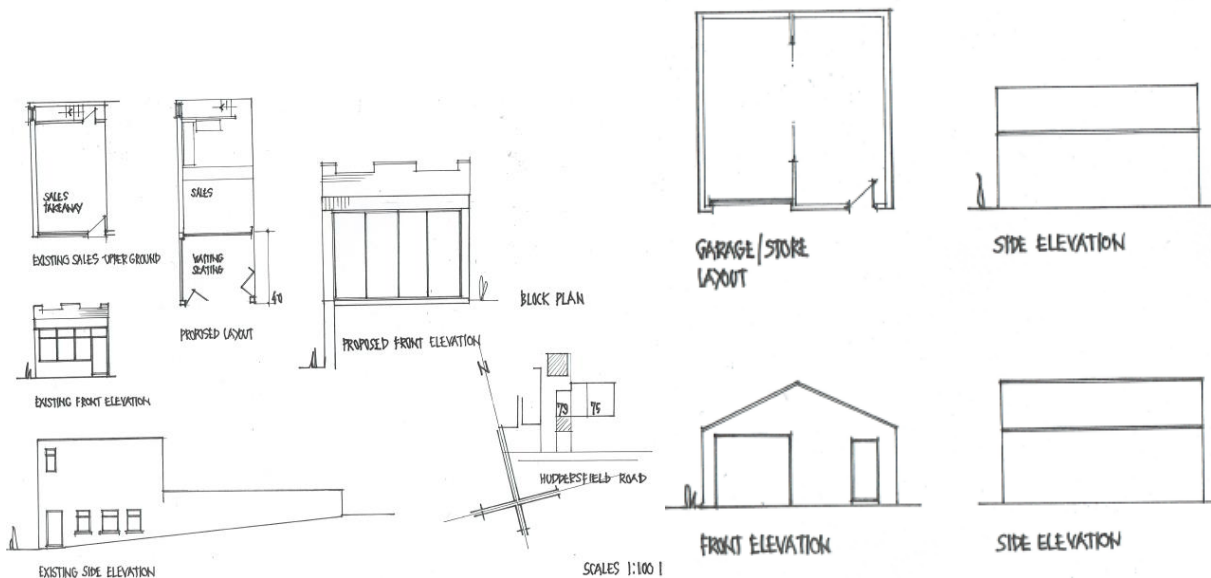
The application relates to an area of land to the rear of an existing Hot Food Take away. The site has vehicular and pedestrian access from Huddersfield Road via a shared driveway which runs between the take away and a Post Office. The land sits on a lower level than Huddersfield Road and the buildings fronting onto it. A detached garage currently occupies the plot.

To the North, East and West of the site are parking and amenity areas associated with the neighbouring buildings. To the South of the site are the rear elevations of the buildings fronting Huddersfield Road which are mix of single storey and two storey buildings, plus underbuild, with commercial uses on the ground floor and living accommodation above.



Site History

2021/0070 - Ground floor extension to front of hot food takeaway and rebuilding of existing rear garage/store to the rear – Approve subject to conditions



2018/1209 - Extensions and alterations to building including addition of a hipped roof to create additional kitchen and storage space for A5 retail unit and a one-bedroom flat located above – Refused for the following reason;

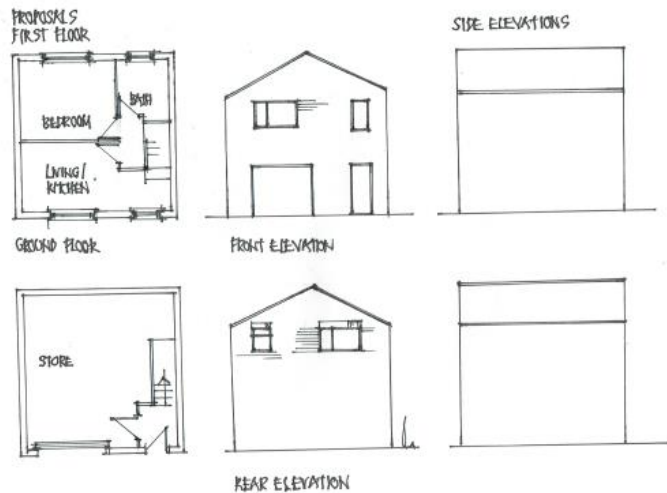
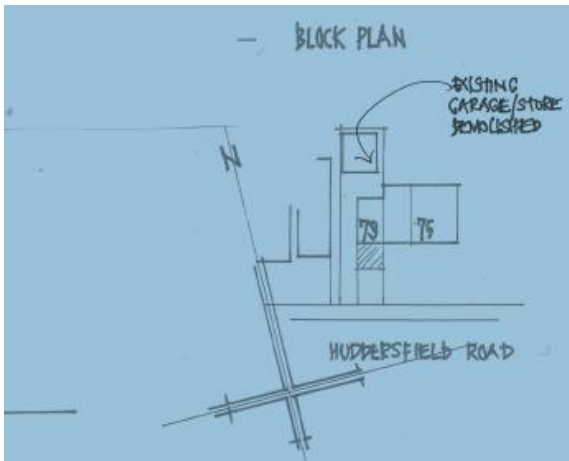
In the opinion of the Local Planning Authority, the proposed development would be materially detrimental to the amenity of the future occupiers of the property by reason of the substandard internal space standards. As a result the proposal is contrary to the Council's Designing New Housing Development SPD, the South Yorkshire Residential Design Guide, Core Strategy policy CSP29 'Design' and National Planning Policy Framework Paragraph 118 [E] relating to upward extensions.

The application was subsequently allowed at appeal under reference number APP/R4408/W/19/3221848.



Proposed development

The applicant seeks permission to demolish the existing detached garage and erect a 2 storey, dual pitched roofed, detached building in a similar position. On the ground floor the building would accommodate a garage/store building and on the first floor would be residential accommodation consisting of a kitchen/dining/living area, bedroom and bathroom. The residential accommodation would be accessed via a staircase utilising a door on the front elevation of the building.



Policy Context

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

Policy H1 The Number of New Homes to be Built

Policy H4 Residential Development on Small Non-Allocated sites

Policy H9 Protection of Existing Larger Dwellings

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 CC1 Climate Change

Policy CC2 Sustainable Design and Construction

SPD's

Those of relevance to this application are as follows:

- Designing of housing Development
- Parking

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 92 - 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

Highways – No Objections

Drainage – Building Control to check

SYMAS – concur with Coal Authority

Coal Authority – Object due to lack of Coal Mining Risk Assessment

Reg Services – No objections subject to conditions

Ward Councillors – No comments

Representations

The application has been advertised by way of neighbour letters and a site notice. No representations have been submitted.

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.

Residential Amenity

The proposed building would replace the existing garage and there has been a single storey replacement garage approved in a similar location recently. It is noted the proposed building would have 2 stories and be located withing close proximity of neighboring buildings, however, it would be built on a lower level and is relatively modest in terms of foot print and height. Furthermore, the neighbouring buildings generally accommodate commercial uses on the ground and lower ground floor and residential accommodation is predominantly on the first floors and above. The building would also be orientated to the North East and North West of the neighbouring buildings. Given the above comments, the building would not significantly increase over shadowing or be an overbearing feature.

There are no habitable room windows proposed on the side elevations facing the shared boundaries and the windows on the front elevation would face thee rear of the hot food takeaway. However, the rear elevation windows would be adjacent to the rear boundary and have direct views over land which is not within the applicant's control.

In terms of the amenity of the future residents of the residential unit, it is proposed to be a 1-bedroom apartment which, in accordance with the South Yorkshire Residential Design Guide, requires an internal floor area of 47m². However, the floor area as proposed falls significantly short at circa 34m². Furthermore, the South Yorkshire Residential Design Guide sets out the requirements for individual room sizes. An open plan living/dining/kitchen area for a 1-bedroom property should have a floor area of 24m², however, the proposed room is half that at circa 12m². The double bedroom also falls short of the 12m² required and there is no storage area within the flat, contrary to the design guide. As such, the levels of amenity for residents would be substandard, contrary to Local Plan Policy GD1.

It is noted that the flat above the hot food takeaway, subject to application 2018/1209, was refused partially on substandard internal spacing and that application was allowed at appeal. However, each case should be assessed on its own merits and that application was for the extension of an extension above an existing building, not a standalone unit.

No amenity space is proposed for the future residents of the scheme which is contrary to SPD 'Design of Housing Development'. The SPD requires 50m² of private amenity space. Where private space cannot be provided balconies must be provided. Balconies must be a minimum of 3m². It is noted that again application 2018/1209 was partially refused on these grounds and allowed at appeal with the inspector citing the proximity of Wilthorpe Park. Again, each case should be assessed on its own merits and the amenity of the future residents would be harmed with no outside space to sit, relax or even hang out washing.

In terms of outlook for the future residents, the front elevation windows, serving the main living space, would only be 4m from the rear elevation of the Hot food takeaway. The window on the rear serving the bedroom would have an outlook towards the park, however, it is over land outside of the applicant's control.

The site is not ideal location for a residential property given it is to the rear of a Hot Food Takeaway which operate during unsociable hours and immediately adjacent to a post office which has early morning opening from 5Am 7 days per week. It would also be located above a storage garage associated with the adjacent commercial use.

As the driveway serving the property is not adopted, bins would have to be taken to the highway to be collected. The distance is over 20m which would result in a long 'man carry distance' for the residents, to the detriment of residential amenity.

Visual amenity

The proposed building would replace an existing garage and there has been permission for a detached outbuilding on the site previously. The site is also in a relatively non-prominent position, on a lower level than Huddersfield Road with only fleeting glimpses from neighbouring highways and public vantage points.

However, the proposed building would have 2 storeys which would be at odds with the existing outbuilding on the site, as well as the neighbouring outbuildings within close proximity to the site. Furthermore, in terms of infill plots, the SPD states 'dwellings should have a frontage to the existing public highway'. The proposed building would be set back from the highway within an undesirable backland location. Its positioning would, therefore, be contrary to the development pattern of the immediate area, contrary to Local Plan Policy D1 and the SPD.

The SPD goes on to state backland development is most affective where it includes a number of dwellings served by an adopted highway...long, narrow private drives which would result in excessive 'man carry distances' should be avoided.

The design of the building is also relatively uninspiring with large amounts of blank brickwork evident and relatively small openings punctuating it.

Given the comments above, the proposed building would form an undesirable backland development, contrary to the proper planning of the area and detrimental to visual amenity

Highway Safety

The existing garage/store to the rear of 79 Huddersfield Road has extant permission to be rebuilt (2021/0070). It is now proposed to remove the existing garage/store completely and replace it with a new two storey building with the ground floor remaining as a store and the first floor containing a one-bedroom flat.

The proposals do not include the provision of any off-street parking spaces. Without turning provision within the site curtilage, any proposed off-street parking spaces would be unacceptable anyway as the site is located along a classified road (A635). Bearing in mind that the main building at no79 Huddersfield Road was granted permission by the Planning Inspector (app. No. 2018/1209) for what is effectively a two-bedroom house above the current takeaway without any additional off-street parking provision then it would be unreasonable to raise it as an issue for these proposals, especially taking into account the location of the site close to Barnsley town centre and benefitting from good public transport links.

The proposals are therefore considered acceptable from a highway's development control perspective.

Mining

Coal Authority records indicate that the site is in an area of likely historic unrecorded coal workings at shallow depth. If shallow coal workings are present, then these pose a potential risk to surface stability and public safety.

In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the applicant needs to submit a Coal Mining Risk Assessment Report, or equivalent report, to support this planning application. As no relevant information has been submitted, the Coal Authority has objected to this planning application.

Recommendation:

Refuse