

2022/0605

Mr David Alan Coles

Erection of detached annexe

28 Bar Lane, Staincross, Barnsley, S75 6DQ

Background

74/1295 – Bedroom Extension

Whilst not this site, an application is currently under consideration for the erection of a detached annexe to the rear of the adjacent property to the east, number 26 Bar Lane – application reference 2022/0598. The plans appear very similar to this application and propose an identical annexe (handed) with a similar layout, garden and parking areas.

Description

28 Bar Lane is a semi detached brick built, hipped roofed dwelling. The property is located on B6131 Bar Lane, which is a classified road and is subject to a 30mph speed limit where it passes the site. The road consists mainly of residential dwellings.

The property has been extended previously with a first floor flat roofed side extension with drive through at ground floor and a rear extension. The property has a long rear garden which extends into Green Belt land to the south and has a long driveway which is set adjacent to the driveway to number 26 Bar Lane.

The site for the proposed annex is set within the garden area which forms part of the Green Belt.

Recent aerial photography (2022) shows that the property has 4 outbuildings within the rear garden which may have been erected under permitted development rights, however the sizes of the outbuildings have not been checked against the permitted development rights and no planning permissions exist for these buildings. The outbuildings are not shown on the submitted existing block plan.



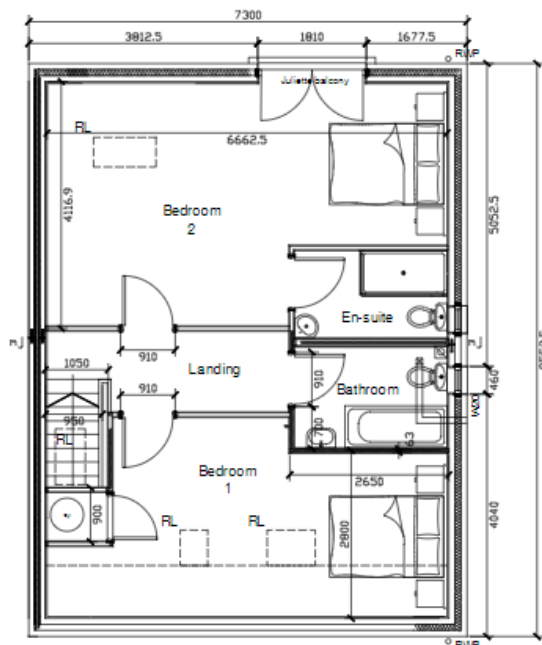


Proposed Development

The proposal involves the erection of a detached annex building set in the rear garden to number 28. The annex has been designed as two storeys, with the first floor rooms within the roof space. The annex has internally, a kitchen, living room, snug, shower room and store at ground floor level and at first floor there are 2 bedrooms, a bathroom and en-suite. The internal floor area amounts to approximately 115sqm.

The annex measures approximately 7.3m by 9.5m and is approximately 7.3m in height. The building has been designed with a front door, window and rooflights to the front elevation and to the rear are French doors and bi-fold doors, a first floor dormer is set off the rear wall with a juliette balcony and a roof light. The proposed annex would be constructed of brick with a tiled roof. The proposed side elevation does not show the two upper floor windows to the en-suite and bathroom as shown on the floorplans.

The site layout plan shows that the annex would have a rear garden of approximately 88sqm and two parking spaces to the front, accessed via the existing driveway to number 28. Two new parking spaces would be formed in the front of the property for number 28. The existing and proposed block plans do not make any reference to the existing outbuildings on site.



Proposed first floor
plan 1:50

Project No.	01
Project Name	PROPOSED FIRST FLOOR PLAN
Client Name	MR. J. J. J.
Client Address	1234567890
Client Phone	0123456789
Client Email	0123456789
Client Website	0123456789
Client Social Media	0123456789
Client Other	0123456789



Proposed rear elevation
1:50

Project No.	01
Project Name	PROPOSED REAR ELEVATION
Client Name	MR. J. J. J.
Client Address	1234567890
Client Phone	0123456789
Client Email	0123456789
Client Website	0123456789
Client Social Media	0123456789
Client Other	0123456789

Paragraph 149 is of relevance in this instance:-

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages; f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:-

not have a greater impact on the openness of the Green Belt than the existing development; or-

not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Local Plan

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the National Planning Policy Framework 2021 (NPPF) does not change the statutory status of the development plan as the starting point for decision making.

The Local Plan was adopted by the Council in January 2019 along with a series of Supplementary Planning Documents.

In reference to this application, the following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development – sets out principles when considering development proposals.

Policy GD1: General Development

Policy GB1: Protection of Green Belt

Policy GB2: Replacement, extension and alteration of existing buildings in the Green Belt

Policy D1: High quality design and place making

Policy T4: New Development and Highway Safety

SPD: House extensions and Other Domestic Alterations

Supplementary Planning Document - House Extensions sets out the design principles that specifically apply to the consideration of planning applications for house extensions, roof alterations, outbuildings & other domestic alterations. The general principles are that proposals should:

1. be of a scale and design which harmonises with the existing building
2. not adversely affect the amenity of neighbouring properties
3. maintain the character of the street scene and
4. not interfere with highway safety.

The following section of the SPD is particularly relevant to this application:

Outbuildings and Annexes:- outbuildings should relate sympathetically to the main dwelling in style, proportions and external finishes. An annex building may be permitted in a rear garden where it would not occupy a disproportionate amount of the garden and would not have its own separate access or garden area. An annex should normally have a close physical relationship with the host dwelling, be single storey and in all circumstances it should only have 1 bedroom and no more than 3 rooms in total.

SPD: Design of Housing Development

Sets various criteria on how backland development is assessed and where it can be appropriate, including where there is an existing use on the land and residential development would benefit amenity and the character and appearance of the locality. Section 24 of the guidance states that tandem development, with one dwelling directly in front or behind another sharing the same access, will almost always be resisted.

SPD Parking:

Other:

South Yorkshire Residential Design Guide

Consultations

Highways – Objects

Drainage – Details to be checked by Building Control

Representations

Neighbour notification letters were sent out to surrounding properties; 1 objection has been received which states:-

- Impact upon residential amenity
- Loss of privacy to home and garden
- Overlooking
- Oppressive and overbearing impact
- Impact upon highway safety
- Disturbance from additional residential activity
- The plans clearly demonstrate that this development is a proposed separate detached dwelling, not an annex with any reliance on the main house.

Assessment

Principle of development

The dwelling falls within Urban Fabric which has no specific land allocation, however half of the garden is allocated as Green Belt. The site for the proposed annex falls within the part of the garden which is allocated as Green Belt.

Green Belt principle

In principle, extensions to residential properties are considered acceptable where they do not have a detrimental impact on the amenity of surrounding residents, visual amenity and on highway safety in accordance with Local Plan Policy GD1.

As part of the site is set within the Green Belt, policy GB2 is also of relevance. GB2 states that 'provided it will not have a harmful impact on the appearance, or character and will preserve the openness of the Green Belt, we will allow the following development in the Green Belt – 'extension or alteration of a building where the total size of the proposed and previous extensions does not exceed the size of the original building.' In relation to this policy, whilst the dwelling is not set within the Green Belt, the annex would be and the proposed annex would result in extensions that would exceed the size the original dwelling. The original dwelling has a floor area (measured externally) of approximately 80sqm and the total size of the proposed unit is approx. 70sqm at ground floor, with rooms within the roofspace. It is not clear if the existing outbuildings are to be demolished therefore the proposal and existing outbuildings/extensions would exceed 100% of the original floor area.

In addition to the above, as the proposal does not have any reliance on the main dwelling, it should be considered as a separate residential unit. Paragraph 149 of the NPPF states that:-

'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages; f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:-

not have a greater impact on the openness of the Green Belt than the existing development; or-

not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'

The proposal does not fall into these categories and is therefore inappropriate development. The proposal would not be considered limited infilling, nor is the site brownfield land as it is a residential garden area. Any proposed residential development of the site would therefore constitute inappropriate development, contrary to policy GB1 and would be prejudicial to the character and openness of the Green Belt. Furthermore, there are considered to be no very special circumstances to justify the granting of planning permission.

Annex principle

The application proposes the erection of a detached annex building, set within the rear garden of number 28 Bar Lane. The Supplementary Planning Document House Extensions and Other Domestic Alterations provides specific guidance for the erection of annex buildings. The SPD states that:- 'An annex building may be permitted in a rear garden where it would not occupy a disproportionate amount of the garden and would not have its own separate access or garden area. An annex should normally have a close physical relationship with the host dwelling, be single storey and in all circumstances it should only have 1 bedroom and no more than 3 rooms in total.'

The proposal fails to comply with the above guidance. The proposed building has been designed with more than 3 rooms (7 rooms in total) and has its own private garden area/curtilage and two separate parking spaces. The building does not have a close physical relationship with number 28 and has the appearance of a separate dwelling. The proposed building is two storeys and has an internal floor area of approximately 115sqm (including rooms in the roofspace), which is more than the average size of a family home. Internally, the ground floor provides a kitchen/dining area, separate lounge, snug, storage and shower room, and the first floor has 2 bedrooms, one with an ensuite and a bathroom. Externally, the property has two parking spaces and a garden area of approx. 88sqm which is also in excess of the required 60sqm for a 3+ bed unit.

The above SPD guidance limit annexes to three rooms, irrespective of size. The provision of a bathroom, kitchen and living areas, in addition to 2 bedroom sleeping accommodation would mean that there is no reliance upon the main dwelling for any typical residential facilities. Due to the range of facilities proposed for the unit, internally and externally, which is akin to an average sized family dwelling, it is clear that the proposed annex could be used as an independent residential unit and separate to number 28. The proposal is therefore contrary to the SPD House Extension and Other Alterations guidance, which states that annexes should have a close physical relationship with the main house. The proposal would also effectively introduce a new dwelling within the Green Belt which is considered to be contrary to the NPPF and Policy GB1 of the Local Plan.

The proposed annex also constitutes a dwelling set in a backland position, behind existing dwellings, which is contrary to council policy. Supplementary Planning Document – 'Design of Housing Development' sets various criteria on how backland development is assessed and where it can be appropriate, including where there is an existing use on the land and residential development would benefit amenity and the character and appearance of the locality. Section 24 of the guidance states that tandem development, with one dwelling directly in front or behind another sharing the same access which is the case in this instance, will almost always be resisted.

No details have been provided in terms of the occupation of the unit however given the above, the proposed building would be considered as an undesirable form of backland development which would not be regarded as ancillary to the host property and would set a detrimental precedent on account of its size, number of rooms and non-reliance upon the host property and is therefore considered unacceptable and contrary to the above SPD's and policy GD1 of the Local Plan.

Residential Amenity

The proposal is for a two storey unit set in close proximity to neighbouring gardens. As it is clear that, given the size of the building, it could be used as a separate dwelling rather than an annex, other issues such as the impact of the occupation of the building upon the residential amenity of number 28 and the other dwellings along Bar Lane must be taken into consideration.

The proposal effectively involves the introduction of a new dwelling set in a backland position. The site is currently used as part of the garden to number 28, which is a compatible use with the surrounding dwellings and gardens. Due to the close relationship of the site to adjacent dwellings, the introduction of a new two storey dwelling/annex on the site would result in a loss of privacy to the adjacent dwellings and their garden areas, by overlooking windows and general increased disturbance to areas in which existing residents could normally expect to be quiet and private. The proposal would also result in disturbance to these occupiers, due to increased residential activity and vehicular movements associated with a separate dwelling, which is in very close proximity to their boundaries and private gardens. In addition, the close relationship to adjacent dwellings would mean that the proposed unit would itself suffer from substandard outlook, privacy and aspect.

The proposal would therefore fail to comply with Local Plan Policies GD1 and the Supplementary Planning Document House Extensions and Other Domestic Alterations and Design of New Housing Development, in relation to residential amenity and backland development.

Highway Safety

The site is located on B6131 Bar Lane which is a classified road, that is subject to a 30mph speed limit where it passes the site. The Highways Officer has been consulted and has objected to the proposal. The application proposes to provide a 2 bedroom detached annexe with access being gained over the existing access from B6131 Bar Lane. Whilst it would be normally expected that an annex building would share car parking with the existing dwelling, this proposal is for effectively an independent unit which would require its own parking and should be assessed as such. The Highways Officer has stated that the proposed access would need to be widened to 4.5m for the first 10m to comply with South Yorkshire Residential Design Guide and to allow 2 cars to pass without having to wait on B6131 Bar Lane, affecting the free flow of traffic and causing obstruction to the detriment of highway safety. The proposed Block Plan shows the proposed layout is at a scale of 1:300 which is not an acceptable scale, however, the drawing demonstrates that the provision of a 4.5m wide access would not be achievable as it would encroach upon the proposed parking spaces for the existing dwelling.

In addition to the above, access to the proposed annexe would be gained to the side of the existing dwelling, which should be no less than 3.3 metres in width to allow for pedestrian access to the annexe from B6131 Bar Lane. It would appear that this cannot be achieved and therefore fails to comply with the South Yorkshire Residential Design Guide and would not allow for safe and suitable access to the site for pedestrians.

In terms of parking, the Supplementary Planning Document Parking requires that 1 parking space is provided for a 1-2 bedroom dwelling and that 2 parking spaces are provided for a 3+ bedroom dwelling. The proposed Block Plan shows 2 parallel parking spaces for the existing dwelling which would encroach upon the 4.5m width required for the access as detailed above. The proposed parking spaces would need to be 2.5m x 5m and would require a 6m manoeuvring area to the rear to allow access. In addition, as B6131 Bar Lane is a classified road, on-site turning allowing vehicles to enter and leave the site in a forward gear will be required. The proposed layout does not appear to provide the necessary dimensions to allow a vehicle to enter or leave the parking spaces for the existing dwelling, which is unacceptable. The annexe has been provided with a similar parallel parking arrangement that does not provide adequate manoeuvring area which is also unacceptable. As a result, the proposed parking spaces shown on the Proposed Block Plan are therefore inaccessible and the site effectively provides zero parking for the existing dwelling or the annexe. The failure to

provide adequate vehicle parking is likely to result in the use of the highway for indiscriminate parking, particularly on along this part of Bar Lane where parking currently occurs on the highway verge, encroaching upon visibility and causing obstruction to the detriment of highway safety.

The proposal therefore fails to demonstrate that safe, suitable access and parking can be provided for all users contrary Local Plan Policy T4 and fails to meet the requirements of South Yorkshire Residential Design Guide and Barnsley Local Plan Supplementary Planning Document: Parking.

Conclusion

The site lies within the Green Belt on the approved Barnsley Local Plan, wherein it is the Policy of the Local Planning Authority not to permit new development except in very special circumstances, for purposes other than those set out in the NPPF. Local Plan Policy GB1 states that the Green Belt will be protected from inappropriate development in accordance with national policy. In the opinion of the LPA the proposed development constitutes inappropriate development contrary to policy and prejudicial to the character and openness of the Green Belt. Furthermore, there are considered to be no very special circumstances to justify the granting of planning permission in this instance.

In the opinion of the Local Planning Authority the proposed annex would not constitute ancillary accommodation to the host dwelling 28 Bar Lane due to its substantial size and the separated relationship with the host dwelling. In addition, the number and type of internal rooms and the provision of separate parking and garden areas would facilitate independent living and prevents reliance upon the host dwelling contrary to the requirements of the Supplementary Planning Document (SPD) - House Extensions and Other Domestic Alterations and Local Plan Policy GD1 - General Development.

In addition to the above, the proposed annex would be contrary to Supplementary Planning Document (SPD) - House Extensions and Other Domestic Alterations, the Supplementary Planning Document – Design of New Housing Development and Local Plan Policy GD1 - General Development in that it would be an undesirable form of backland development, materially detrimental to the amenities of the adjoining properties by reason of a loss of privacy and disturbance from increased residential activity.

In addition to the above, the proposal also fails to demonstrate that safe, suitable access and parking can be provided for the proposed annex and the existing dwelling, contrary Local Plan Policy T4 and fails to meet the requirements of South Yorkshire Residential Design Guide and the Supplementary Planning Document (SPD) - Parking.

Recommendation

Refuse