
2023/0557

Mr Gordon Firth

Variation of condition 2 of application 2020/0610 (erection of a new dwelling) to allow for changes to garage, external lighting, landscaping and front boundary wall

1 Tivy Dale Close, Cawthorne, Barnsley, S75 4ER

Site Description

The application site refers to 1 Tivy Dale Close which is a recently built and completed detached two storey dwelling located in the village of Cawthorne. The dwelling is stone built, with a detached garage in the rear garden and was initially approved under app ref. 2018/1443 with several subsequent variations. The surrounding area is predominantly residential, although the area of Cawthorne does contain other uses such as local shops, pubs, a cricket club/field, a park and a waste water treatment site. The site borders onto the Conservation Area to the immediate North-West.

Relevant Planning History

2018/0540 - Demolition of detached dormer bungalow (Prior approval granted)

2018/1443 - Erection of new dwelling with detached garage and greenhouse (Approved with conditions)

2019/1381 - Discharge of conditions 10 and 11 of application 2018/1443 – Erection of new dwelling with detached garage and greenhouse (Approve)

2020/0327 - (Variation of condition 2 and 3 of application 2018/1443 to allow change in design and materials (Approved with conditions)

2020/0610 – Variation of condition 10 (relating to tree protection measures) of application 2020/0327 (erection of new dwelling) (Approved with conditions)

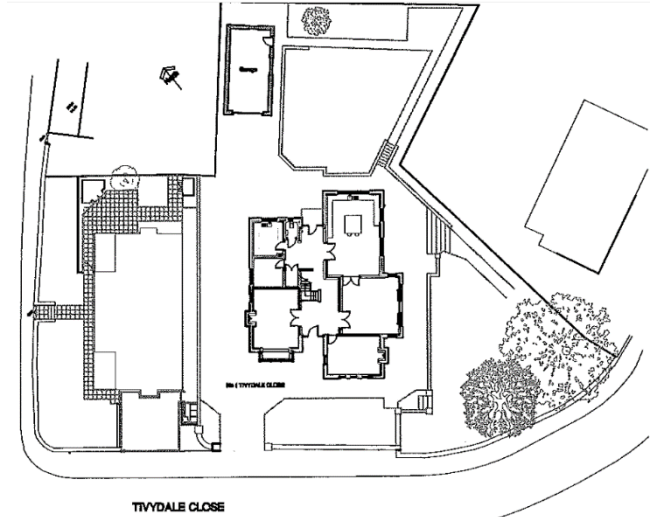
Proposed Development

The application is a section 73 (variation of conditions) application to vary condition 2 of application reference 2020/0610 which approved the erection of a new dwelling. The variation primarily relates to regularising unauthorised alterations to the detached garage on site. The alterations relate to the length, height and general appearance of the garage which now has a length of 8.6m, a width of 4.6m, a height of 2.35m to the eaves and 4.65m to the roof ridge. The external alterations are amended to show fenestration detail changes.

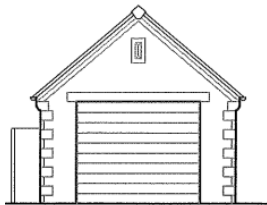
The application also seeks to amend the application in various other elements, as follows:

1. Submitting landscaping details to sufficiently discharge/alleviate the requirements of condition 12 of application ref. 2020/0610. To this end, a landscaping plan has been submitted showing the landscaping details in the curtilage area of the dwelling. These details have now been installed on site.
2. The erection of a replacement front boundary wall. The wall has also been completed on site. It is a drystone wall, constructed from external materials which are very similar to the existing dwelling, with a height of 1.6m to the highest point, stretching along the frontage for a total of 24m, bisected by an electronic metal gate which too has a height of 1.6m.
3. Regularisation of the external lights attached to the dwelling. The North-Western elevation also shows a reduction of the number of external lights from 3 to 2 and a change to up-and-down lights.

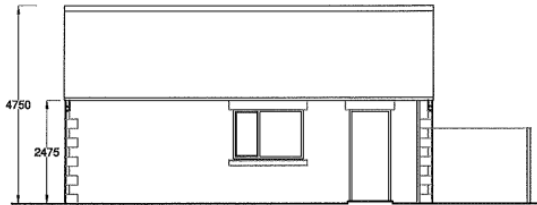
Proposed Site Plan:



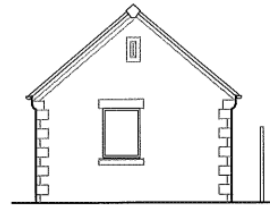
Proposed Garage Alterations (Amended Plans and elevations)



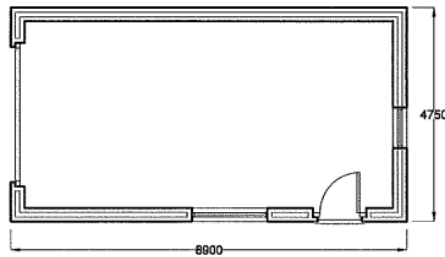
Front Elevation - 1:100



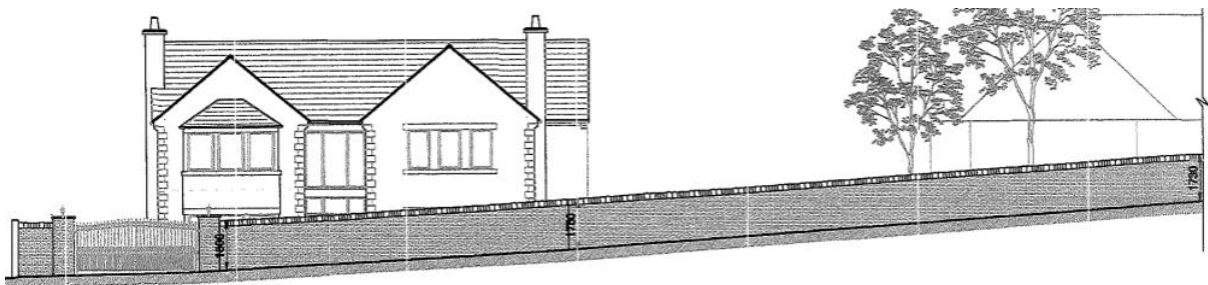
Garden Elevation - 1:100



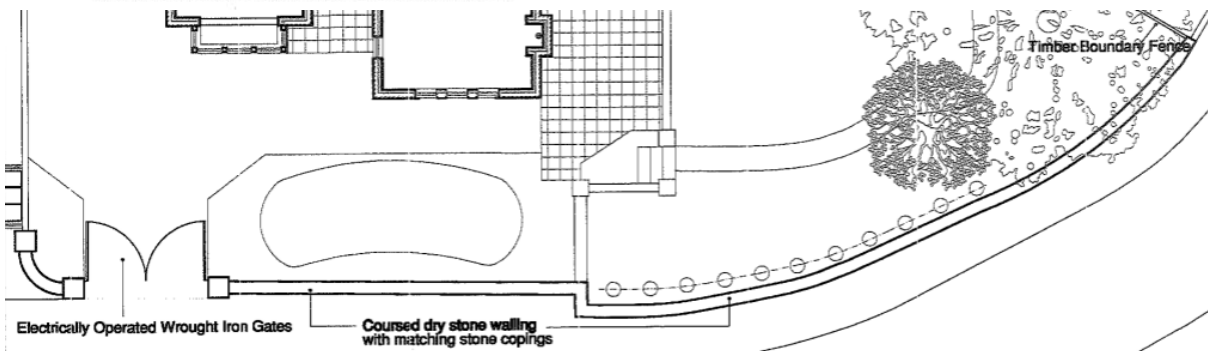
Rear Elevation - 1:100



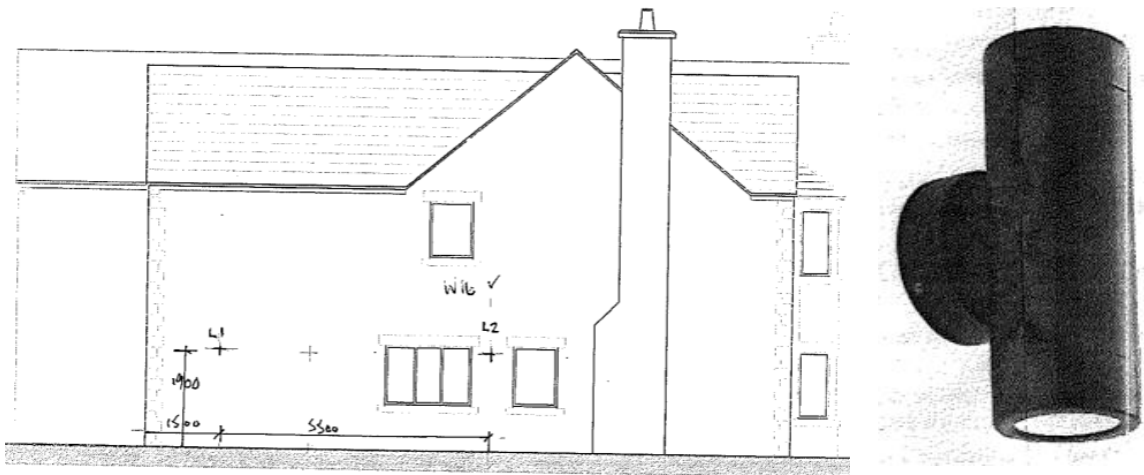
Proposed front boundary wall alterations (elevations and plans):



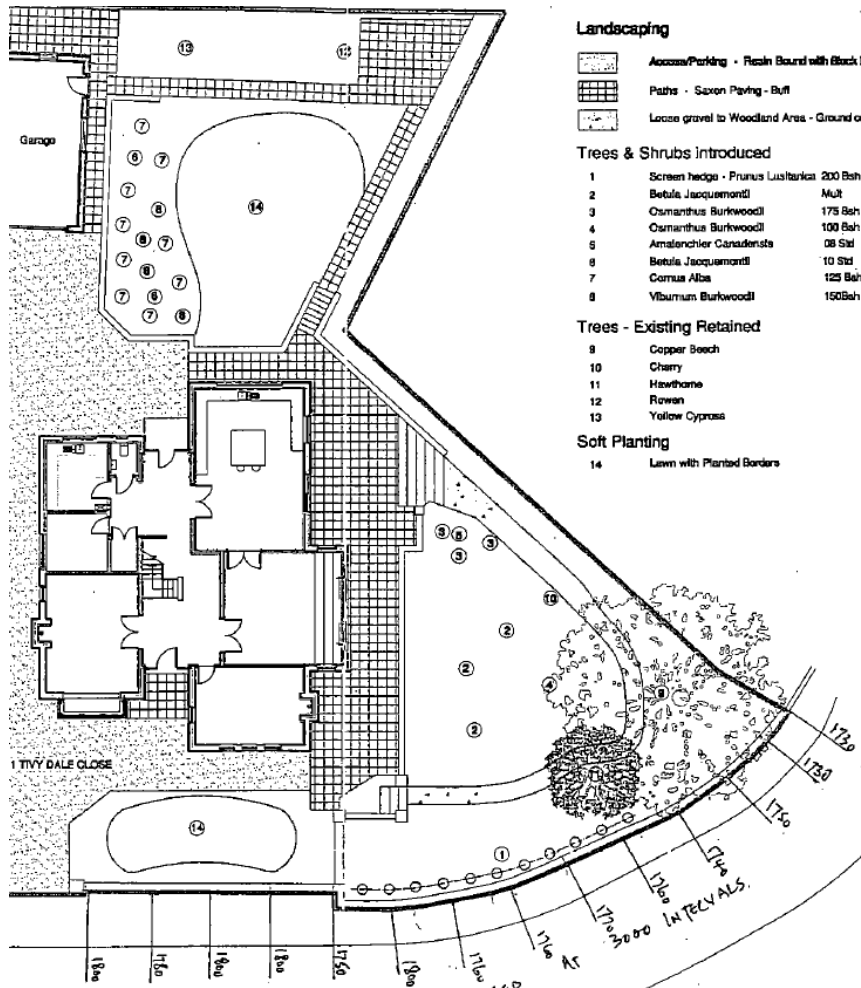
Elevation Showing Extent of Dry Stone Boundary Wall



Proposed lighting location and details to North-Western facing side elevation of dwelling (x 2):



Proposed Landscaping details:



Policy Context

The new Local Plan was adopted at the full Council meeting held 3rd 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). In reference to this application, the following policies are relevant:

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.

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.

LG2: The Location of Growth - Priority will be given to development in the following locations:

Urban Barnsley;
Principal Towns of Cudworth, Wombwell, Hoyland, Goldthorpe (which includes Thurnscoe and Bolton on Dearne), Penistone and Royston; and
Villages.

Urban Barnsley will be expected to accommodate significantly more growth than any individual Principal Town, and the Principal Towns will be expected to accommodate significantly more growth than the villages, to accord with their place in the settlement hierarchy

H1: The Number of New Homes to be Built – The Council will seek to achieve the completion of at least 21,546 net additional homes during the period 2014 to 2033. A minimum five year supply of deliverable sites will be maintained.

H2: The Distribution of new Homes – The location of housing development accords with the settlement hierarchy and Policy LG2 regarding location of growth.

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.

H6: Housing Mix and Efficient use of Land – Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population. Proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

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.

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.

Poll1: Pollution Control – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people. Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

RE1: Low Carbon and Renewable Energy - All developments will be expected to seek to incorporate initially appropriate design measures, and thereafter decentralised, renewable or low carbon energy sources in order to reduce carbon dioxide emissions and should at least achieve the appropriate carbon compliance targets as defined in the Building Regulations.

Supplementary Planning Documents

- Design of Housing Development
- Parking
- Sustainable Travel

Other:

South Yorkshire Residential Design Guide

Cawthorne neighbourhood plan:

Cawthorne neighbourhood development plan was adopted in 2021 and now forms part of the Borough's statutory development plan. The neighbourhood plan has the same plan period as the adopted Local Plan – up to 2033, with the village of Cawthorne within the Green Belt, has a conservation area and numerous listed buildings. The area also has a significant designated natural environmental assets including a historic park and garden, ancient woodlands and Local wildlife sites.

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.

Consultations

Cawthorne Parish Council – No comments received.

Conservation Officer – No objection in principle to the wider scheme but the external lighting on the North-Western facing side elevation is seen as intrusive to the setting of the Conservation Area and should be removed, or replace with up-and-down lighting.

Enforcement – No comments received.

Highways DC – The front boundary wall is higher than what would typically be allowed for new build developments but the wall is similar to those in the surrounding area, and the width of the gate/access into the site is wider than the dimensions of a single vehicle. This would allow vehicles to leave into the highway centrally, which would increase visibility in both directions for highway users. The pavement to the front of the access is also dropped in its entirety, alongside being fairly wide which provides additional space for pedestrians and vehicles. On balance, no significant concerns are raised and the site provides more than sufficient parking provision and a turning area to enter and leave the site in forward gear, in compliance with the Parking SPD.

Forestry Officer – No comments received.

Representations

Neighbour notification letters were sent to surrounding residents; 2 comments were received raising the following concerns with the development:

1. Lack of appropriate details within the submitted documents/plans. Specifically, the planning drawings do not include the lighting proposals, internal layout of the garage, and any replacement landscaping details to the Northern and Western boundary lines. There is also no indication of an appropriate drainage strategy on site.
2. The external lighting causes light pollution, has a detrimental impact on the neighbouring residents and their ability to sleep.

3. Lack of privacy between the newly built property and the existing neighbours given that the previous landscaping/screening has since been removed to facilitate the construction of the dwelling.
4. Removal of trees and other boundary treatment, which previously formed the boundary of the Conservation Area have not been suitably replaced.

Assessment

Principle of development

The site falls within the urban fabric which has no specific land allocation, however the surrounding area, especially Tivy Dale Close, is largely made up of residential dwellings. The residential development of the site has already been established through the previous application which has since commenced and is now completed and the proposed alterations do not alter the principle of development.

Visual Amenity

The S73 application consists of several alterations which will change the overall design and appearance of the dwelling within the street scene. Firstly, the garage (retrospective) is proposed to be altered in terms of its overall dimensions and external appearance. The garage is larger, higher and features minor fenestration changes. However, in comparison to the host dwelling, it is still sympathetic in terms of scale and massing, with appropriate external materials and finishing and is considered to be acceptable in terms of design.

The front boundary wall has been replaced by a larger, dry stone which is higher and more visually prominent within the street scene. However, it is similar in appearance to the surrounding dwellings which too feature a wall of similar size and appearance. The wall is constructed from the same materials as the host dwelling and is considered to complement the redeveloped site successfully, whilst blending into the street scene.

Condition 12 (landscaping details) of the original application was never discharged and the applicant has submitted such details for this variation of conditions application. The landscaping details confirm the positioning and type of landscaping in the curtilage areas of the dwelling, the majority of which have now been installed. The details are considered to be appropriate in terms of design. Concerns have been raised from neighbours regarding the lack of appropriate landscaping to replace that which has been removed on the boundary lines. However, the predominant concern was in regard to lack of screening between the properties.

The development also consists of the installation of several external lights to the host dwelling and garage which were not approved under the original application. The lighting consists of black Victorian wall lantern which projected light outwards. The type of external lighting is considered appropriate in terms of design, and complements the redevelopment of the site, and fits in successfully to the street scene. The North-Western side elevation external lighting has been altered from such lighting to up-and-down lighting, primarily for residential amenity purposes, which will be discussed in the following section.

The proposed development is considered to be acceptable in terms of visual amenity.

Impact on Historic Environment

In comparison to the wider redevelopment of the site, the proposed alterations which are the subject of this application are considered to be minor. The Conservation Officer has been verbally consulted on the proposal and did not object to the wider alterations, but raised some concern with the position of the external lighting located on the North-Western facing side elevation of the dwelling and requested that these were removed or replaced by more modest up-and-down lighting. The amended plan showed that the 3 x external lights are to be reduced in number to 2 on this elevation and replaced by up-and-down lighting. This change is considered to be acceptable in terms of the impact on the Historic Environment.

Residential Amenity

The proposed development seeks to regularise several unauthorised changes to the application, and now completed redevelopment of the site. The Council has received several objections to the development relating to the external lighting creating light pollution to neighbouring properties, the dwelling overlooking into the neighbouring properties which has been accentuated by the removal of screening/landscaping on the boundary lines, and the larger garage.

The Case Officer conducted 2 site visits, one in daytime and one at night-time, with the night-time visit showing that the external lighting did result in excessive illumination output to the immediate neighbours. The main impact was from the 3 x external lights located on the North-West facing elevation. The applicant subsequently agreed to reduce these external lights from 3 to 2 and replace the lights with up-and-down lights rather than the existing outward projection lamp-style lighting. This will significantly reduce the amount of illumination which would reach the neighbouring properties, given that the light would project up and down onto the elevation, rather than outwards. The other lights on the dwelling are located at a fairly significant distance from the respective boundary lines, with the closest light being at a distance of 12m from the side boundary line. This will result in the majority of the lighting projecting onto the applicant's garden area, rather than onto neighbouring properties. The garage also features 2 lamp-style lights, but these lights are on motion sensors, and will only be activated as such for a short period of time. The agent has agreed to the placement of a condition which restricts the garage lights to being motion sensor lights throughout the lifetime of the development and all of the lighting will be limited in hours of operation, between 7am and 10pm daily.

In terms of lack of privacy, the S73 does not seek to re-position the dwelling in any way and the habitable room windows will not be located any closer to neighbouring properties. However, the primary concern from neighbours is that the previous screening on the North-Western and rear boundaries has been removed and not replaced with suitable landscaping. These concerns can be understood, however the site visit showed that the North-Western boundary has fairly large wooden fencing with the immediate neighbour being at a lower level. The dwelling is arranged so that the nearest habitable room window on the rear elevation faces directly onto the rear boundary line, at a distance of 19m. The rear facing windows of no. 1 Tivy Dale faces into the site, but the distance to the nearest habitable room window of the applicant's dwelling is c. 24m. This is in excess of the minimum 21m separation distance required between dwellings.

The proposed alterations to the garage results in the total length being 8.6m, the width being 4.6m, and a height of 4.65m. The eaves height of the garage is 2.35m. All of these dimensions are not considered to be particularly excessive for a domestic garage. The positioning of the garage in relation to neighbouring properties is in the same location as was previously approved and is not being brought any closer to neighbouring properties. The impact on the neighbours in terms of overlooking, loss of outlook or privacy is not considered to be significantly affected by the proposed development.

Concerns have also been raised by neighbours in regard to the use of the garage being unspecified on the proposed plans, and the potential for the garage to be used for ancillary residential accommodation which would result in a detrimental impact to neighbouring properties in terms of loss of privacy or noise. The site visit showed that the garage is used for domestic storage and a condition will be attached to any forthcoming approval notice which restricts the use of the garage to incidental domestic purposes.

Impact on Highways Safety

The proposed alterations do not reduce the parking provision or turning facilities on site which still shows a parking area which would allow at least 2 vehicles to park and turn within the site, in line with the Parking SPD. However, part of the alterations introduces a dry stone wall on the front boundary line which has a height of 1.6m either side of the access into the site. This is higher than what would typically be allowed on the front boundary line of new developments, 1m-1.2m, for visibility purposes. However, Highways DC have verbally provided comments on the application stating that the gate access is wider than a single vehicle at 3.5m in width, which would allow vehicles to leave the access centrally, increasing visibility on both sides and it enters onto a wide dropped pavement. As such, no significant concern is raised to the proposed boundary wall.

Recommendation

Approve with conditions