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**2024/0166**

**Applicant:** Mr James Fullarton

**Development:** Erection of single storey detached annex flat

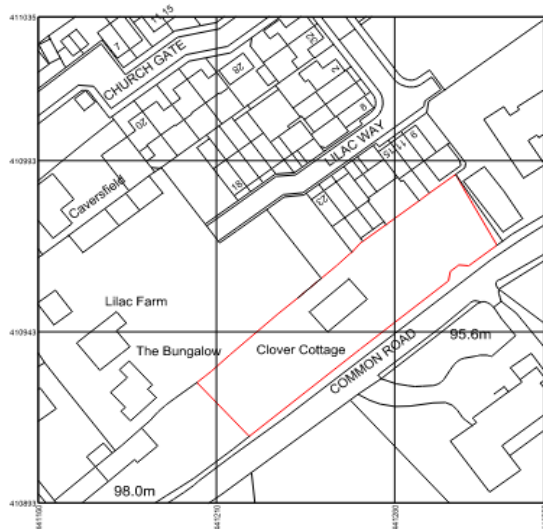
**Address:** Clover Cottage, Common Road, Brierley, S72 9EA

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### Site Location & Description

The site is located on Common Road in Brierley adjacent to Bolingbroke Nursing Home. The site is a long linear plot consisting of a large detached two storey dwelling, constructed in stone with a pitched roof. The dwelling is approximately 2m higher than the road and faces onto Common Road. The site is bound by a retaining wall and fencing.

There are a number of sycamore trees within the site which fall under TPO 10/1994. Due to the alignment of the property central within the site, the property has large side garden areas to each elevation. The driveway and parking area lies to the northeast of the site with the majority of the trees being located to the southwest within the main residential garden area.

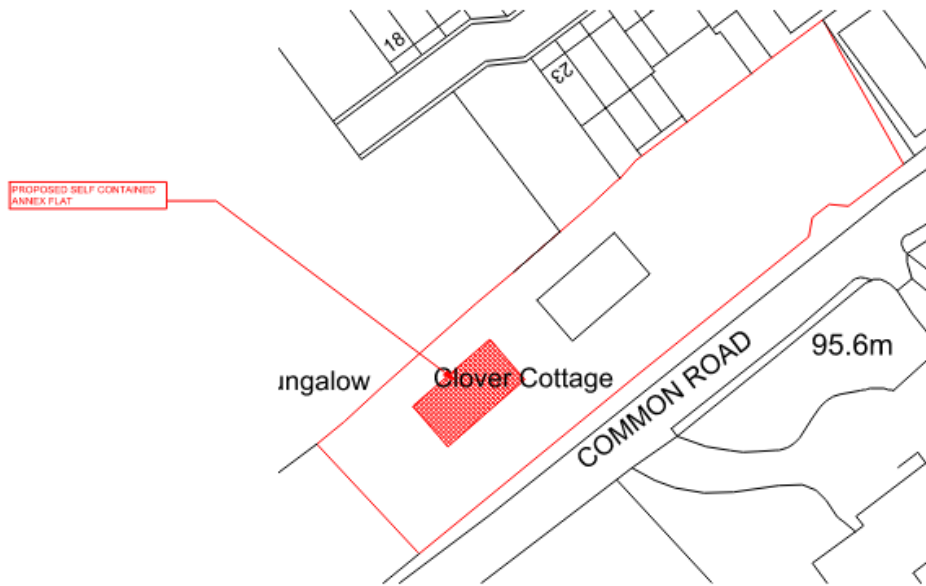


## 1 LOCATION PLAN

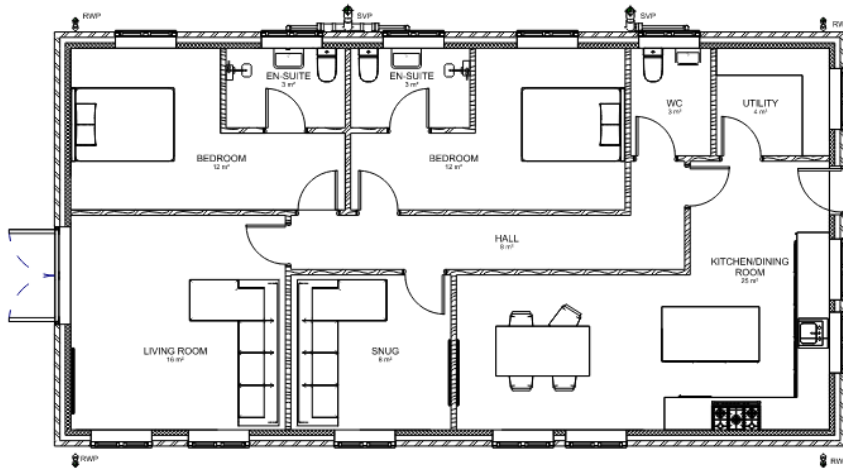
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### Proposed Development

This application seeks permission to erect a large single storey self-contained detached annex flat within the side garden to the southwest of the dwelling. The proposal will be constructed in materials to match the existing property and has been designed with a pitched roof. The proposal will measure 14.62m x 7.65m with an internal footprint of 89.7sqm, 2.8m to the eaves and 4.69m total height. The proposal will comprise 2 bedrooms with 2 en-suites, a w/c, utility, living room, kitchen dinner, and separate snug.

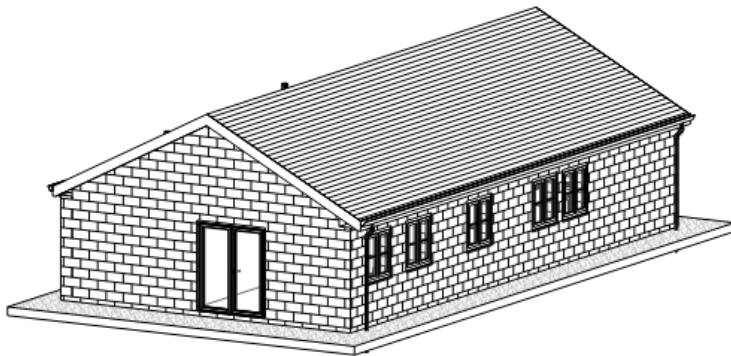
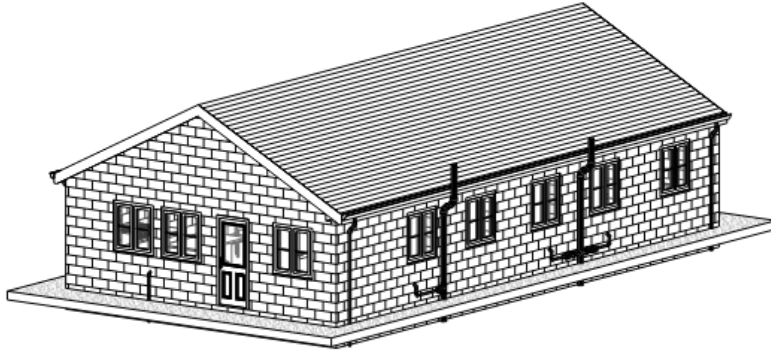


**2 SITE PLAN**  
1 : 500



**3 PROPOSED GROUND FLOOR PLAN FOR ANNEX**  
1 : 50





### **Relevant History**

B/88/1457/HR Erection of 2 detached bungalows  
B/94/0127/HR Renewal of B/88/1457/HR for the erection of 2 detached bungalows and garages – Refused T/APP/R4408/A/94/237734/P5 Appeal dismissed  
2010/0338 Erection of 1 dwelling and detached double garage – Approved  
2012/0461 Erection of 1 no dwelling (resubmission of 2010/0338) - Approved

### **Policy Context**

Planning decision should be made in accordance with the local 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 Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The site is located within Urban fabric and within the Cawthorne Conservation Area.

### **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, relevant policies include:

Paragraph 96 Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other.

Section 12: Achieving well designed places - The Government attaches significant importance to the design of the built environment. 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.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces, and wider area development schemes.

Paragraph 139 is the most relevant which indicates that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design

Paragraph 205: Great weight given to an asset's conservation,

Paragraph 206: Any harm to or loss of significance will require clear and convincing justification.

Paragraph 212: LPAs should look for opportunities for development within conservation areas and within the setting of heritage assets that enhance or reveal significance.

### Local Plan

The proposal is located within the Cawthorne Conservation Area therefore in reference to this application, the following Local Plan policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development  
Policy GD1: General Development  
Policy T4: New Development and Highway Improvement  
Policy HE1: The Historic Environment  
Policy HE2: Heritage Statements and general application procedures  
Policy HE3: Developments affecting Historic Buildings  
Policy Poll1: Pollution Control and Protection  
BIO1: Biodiversity and Geodiversity  
Policy D1: High quality design and place making.

### SPD

SPD: Parking  
SPD: House Extensions and Other Domestic Alterations  
SPD: Trees and Hedgerows

These policies are considered to reflect the Principles in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings.

### **Consultations**

Conservation Officer – Concerns over degree of visibility, harm to conservation area

Tree Officer – Objections over impact on protected trees

Historic England – No comments

## **Representations**

None

## **Assessment**

### Principle of development

The site falls within the urban fabric which has no specific land allocation; however the site and immediate surrounding area is made up principally of housing. Extensions, alterations to residential properties and the erection of domestic outbuildings are considered acceptable in these areas where they do not have a detrimental impact on the amenity of surrounding residents, visual amenity or on highway safety.

The site is situated within the Brierley Conservation Area therefore the importance on design and protecting the historical heritage of the area is paramount.

### Residential Amenity

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 and maintain a reliance with it having some shared facilities, be of single storey and their size shall be up to 39sqm and no larger than the size of a double garage”*. The proposed annexe is substantial and has an internal floor area of approximately 98.77sqm. The internal layout shows two bedrooms, two en-suites, a w/c, kitchen dinner, living room, utility and snug. The total usable floor area of the proposed building is 98.77sqm.

The provision of the above 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, it is clear that the proposed annexe could be used as an independent residential unit and separate to Clover Cottage.

The South Yorkshire Residential Design Guide states (Internal Space Standards page 130) that a four bed five-person property should be a minimum of 93sqm. The proposed building is therefore significant in size and is the equivalent of an independent dwelling based on the proposed internal floor areas which far exceeds that of a dependant annexe.

The proposal is therefore contrary to the SPD House Extension and Other Alternations guidance, which states that annexes should have a close physical relationship with the main house. The proposed annexe would not be regarded as ancillary to the host property and would set a detrimental precedent due to its size, number of rooms and non-reliance upon the host property and is therefore considered unacceptable and contrary to the SPD and Local Plan Policy GD1.

### Impact to Conservation Area

The application seeks permission for a single storey annex to the southwest of Clover Cottage, Common Road in Brierly. Clover Cottage was approved under 2010/0338 and resubmitted as a larger dwelling under 2012 0461. Historically, before the erection of Clover Cottage, the land was always undeveloped and appears to have been land to the rear of (and associated with) 29 Church Street. On the first edition 1850 this appears to be marked

as the Furriers Arms. The site appears a long linear plot with a small frontage to Church Street similar to a burgage plot.

The existing dwelling despite being a large house, it is of a traditional design with a symmetrical two storey, five bay frontage and a central gabled porch facing Common Road. The roof is pitched and covered in Greys artificial stone slates with a stack located on the southwestern gable. The external wall stone is natural split face sandstone with dressed ashlar around openings. Overall, the appearance is relatively restrained and reasonably complementary to the conservation area setting.

The Annex is proposed to be located to the southwest on the raised platform currently occupying the garden. It is a self-contained building of a single storey with a pitched roof with gables facing east / west. The footprint and depth of the dwelling is large being similar to that of the adjacent house. This development would be raised above the road and as a consequence will be highly visible. An impact on the conservation area setting is expected. It is also noted that there would be extensive loss of tree cover. The heritage statement denotes the conservation area setting but explains nothing of how the development would actually harmonise with the setting. It does mention there will not be any effect on the surrounding area and that matching bricks, cills, windows, and roof tiles will allow it to harmonise within the host property. Taking the above into consideration, from a conservation perspective, the proposal is likely to cause harm to the setting of the conservation area.

The proposal for this site requires the removal of a number of protected trees. These trees when viewed together provide a positive impact within the conservation area. Historically planning permission for the erection of two properties within the site was approved in 1988 however since then, the site became part of the conservation area and the trees became the subject of a TPO. That resulted in the later application in 1994 being refused due to the impact to the conservation area and the significant loss of trees. This application went to appeal and was subsequently dismissed. The inspectors' comments in relation to the impact on the conservation area setting and the trees were material to the decision and these qualities have the same importance today. Collectively the trees which form part of the TPO make a significant contribution to the character and appearance of Common Road and the wider Conservation Area. The proposed development would have a major impact on the trees within the area of the TPO and diminish the overall amenity and aesthetics of the site to the detriment of both visual amenity and the amenity of the wider conservation area.

It can be argued that in terms of design and materials the proposed impact to the conservation area may be reduced, however, the cumulative impact of loss of trees, location of proposal, and the size of the proposal is considered to be harmful to the conservation area and the visual amenity of the area.

It is therefore considered that the proposed is expected to harm the setting and appearance of the conservation area and is therefore unacceptable and in contradiction with Local Plan Policies HE1, HE3 and D1.

### Visual Amenity

The SPD states that *“outbuildings should be single storey structures and the eaves height should not normally exceed 2.5m from ground level, whilst the ridge height should not exceed 4m. 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.”* *“The annex should normally have a close physical relationship with the host dwelling and maintain a reliance with it having some shared facilities, be of single storey and their size shall be up to 39sqm and no larger than the size of a double garage”*. The proposal is a clear contradiction of the above and although set in a large curtilage, being located to the side further highlights its impact upon the street scene. The building would be

immediately adjacent to Common Road and would be highly visible from public vantage points. The footprint at 98.77sqm is more than double the size of a standard double garage and with the eaves height at 2.8m and ridge height at 4.69m this would further add to the visual prominence and scale of the building which therefore does not appear ancillary to the host dwelling and is contrary to the SPD document for both annexes and garages.

In addition to the large footprint of the building, the annex is proposed to be located within the side garden and although a separate access is not proposed, due to the location of the building it would be easy to establish a separate garden area. As a result the building is not subordinate to the host dwelling nor located in the rear garden. It would appear as a standalone dwelling in the street scene and not that of a dependant residential annexe.

The SPD states that '*materials should normally be of the same type, colour and texture to the existing house or as close a match as possible*'. In this case, the proposed materials will match the existing dwelling with matching bricks, cills, windows, and roof tiles will allow it to harmonise within this setting.

Nonetheless given the prominent location of the building in the street scene the annexe would still be detrimental to the visual amenity of Common Road. Given the size and position the proposal would be a focal point and dominant feature within the existing garden negatively impacting the street scene which will be further exaggerated by the loss of significant trees. The proposed development is therefore considered to be contrary to Local Plan Policy D1: High Quality Design and Place Making and is considered unacceptable in terms of visual amenity.

### Highway Safety

There is not expected to be any impact on highway safety. The proposal is a self-contained annex; however it is unclear who the annex is for it will be associated with Clover Cottage and as such the site has sufficient off-street parking in line with the standards set out within the SPD: Parking. The proposal is therefore considered acceptable in terms of highway safety in compliance with SPD: Parking and Policy T4 of the Local Plan.

### Trees

The proposal for this site will require the removal of a number of protected trees. Collectively the trees make an important and positive impact to the conservation area and the visual amenity of the area. As aforementioned there has been a refusal for two dwellings within this site along with a dismissed appeal, in which the inspector placed great importance on the TPO trees and their positive impact within the area. The tree officer was consulted and has objected to the proposal. The grant of permission for the main dwelling was carefully located to ensure the site and the trees were maintained long term. Further development on this site and further tree removal would diminish the overall amenity and aesthetics of the site in arboricultural terms and as such is contrary to Policy D1 High Quality Design and Place Making, Policy HE1: The Historic Environment, BIO1: Biodiversity and Geodiversity And SPD: Trees and Hedgerows.

### **Recommendation**

#### **Refuse**

In the opinion of the Local Planning Authority the proposed annexe would be contrary to Local Plan Policy D1, HE1, HE3 and SPD 'House Extensions and Other Domestic Alterations' in that its design and size would be architecturally inconsistent with the character of the host property and would as a consequence appear as an unduly intrusive feature in the street scene to the detriment of visual amenity and Brierley conservation area. Furthermore, the annexe would

be in a prominent position and not relate sympathetically to the main dwelling in style and proportions.

In the opinion of the Local Planning Authority the proposed annexe would not constitute ancillary accommodation to the host dwelling Clover Cottage due to its substantial size which 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 the opinion of the Local Planning Authority the proposed annexe would result in the significant loss of trees subject to TPO 10/1994 which will diminish the overall visual amenity of the area and wider conservation area contrary to Local Plan Policy D1 High Quality Design and Place Making, Policy HE1: The Historic Environment, BIO1: Biodiversity and Geodiversity and SPD: Trees and Hedgerows.