

Application Reference: 2025/0282

Site Address: 5 Moor Lane, Birdwell, Barnsley, S70 5TZ

Introduction:

This application seeks full planning permission for the erection of a detached garden room and extension to existing garage. Construction of the detached garden room has already commenced and therefore the development is part retrospective.

Relevant Site Characteristics

The detached, hipped roof, red brick and render property is located in a purely residential cul-de-sac on the outskirts of Birdwell, adjacent to the M1 motorway. The dwelling is located in a row of 6, similar styled properties, on the northern side of Moor Lane.

The dwelling benefits from an extensive rear garden, approximately 60m in length, which rises slightly from the rear elevation of the dwelling.

The existing driveway leads to an existing detached garage, with a path beyond leading to the rear of the garden where a large, detached outbuilding is situated.

The rear of the dwelling is enclosed by 2m close boarded timber fencing to all boundaries; whilst there are no trees on site, there is significant vegetation located within the rear gardens of both adjacent properties.

Site History

Application Reference	Description	Status (Approved/Refused)
2015/1182	Erection of two storey rear extension to dwelling and single detached garage. NB this application initially included the erection of a detached summer house which was removed from the scheme.	Approved with Conditions November 2015

Detailed description of Proposed Works

The applicant seeks permission for the erection of a detached garden room and extension to existing garage. Whilst the garden room has been described as such, it has the appearance of a pergola and is to semi enclosed.

The proposed garden room is to measure 4m by 4.5m with a height of 2.5m to eaves and 4m to the ridge, which could fall within the parameters of permitted development, however the building is located within 2m of the western side boundary, therefore requiring planning permission.

The structure is to be enclosed in brick along the western, rear elevation, and partially enclosed with larch cladding to the south and north elevations. The eastern front elevation is to remain open. The structure includes a chimney, which does not extend above the height of the ridge.

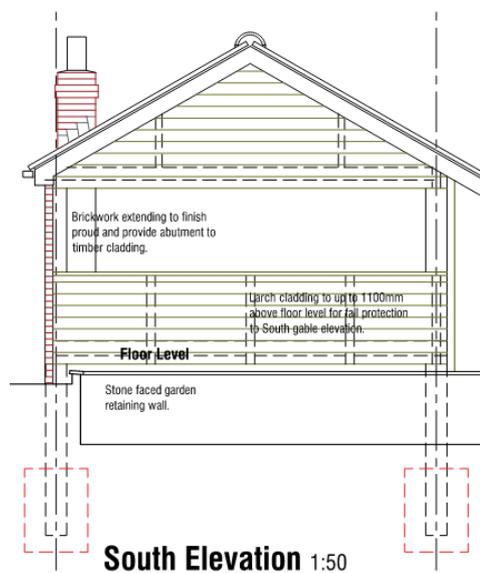
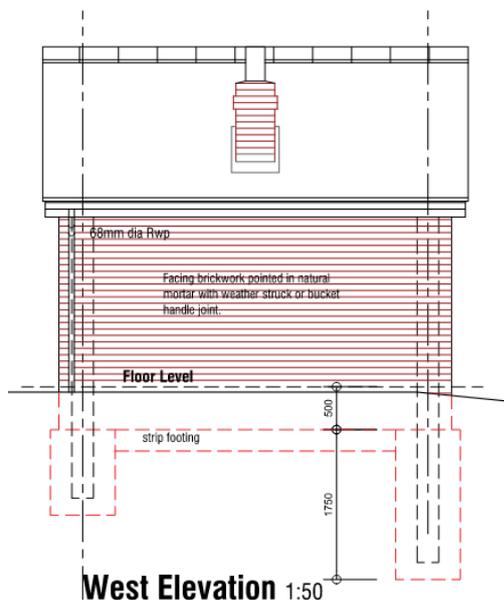
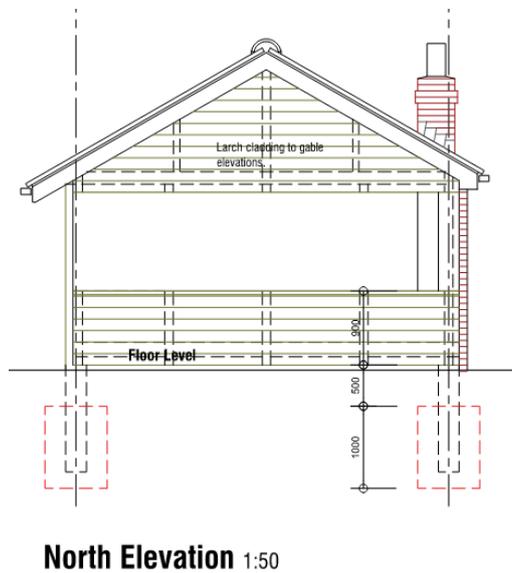
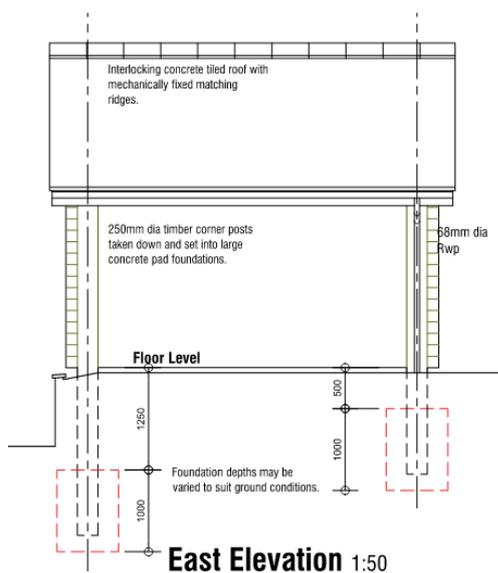
At the time of the site visit this structure was under construction, therefore this application is part retrospective. The structure also includes a stone built BBQ area, which whilst not labelled, is shown on the plans.

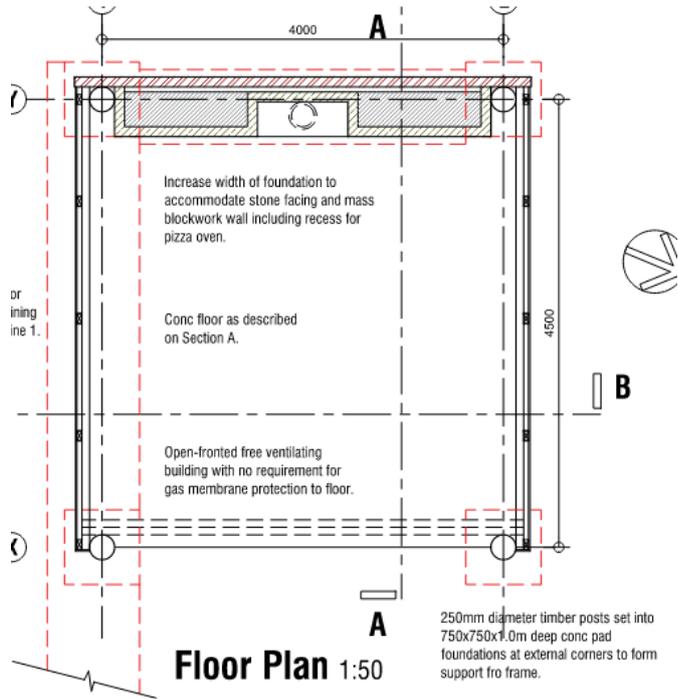
An extension measuring 4.4m in projection is proposed to the northern rear elevation of the existing detached garage and is proposed as a storage extension which is to be accessed externally and not via the garage.

The garage extension is to have a height to the eaves of 2.2m and 3.5m to the ridge and is to be set in and down from the extent of the existing garage.

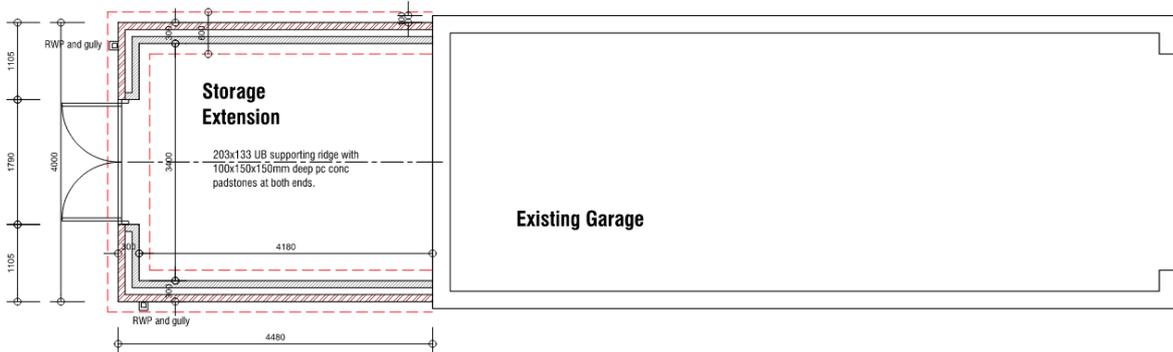
The existing detached outbuilding referenced above was constructed in 2023. Plans of the outbuilding have been provided to the LPA and a site visit has been undertaken to ensure that the development has been constructed as proposed. The existing outbuilding located at the rear of the garden falls within the parameters of permitted development and as such is acceptable.

Proposed Garden Room

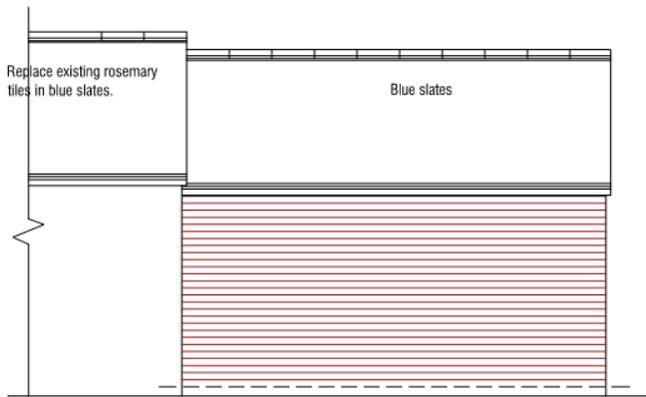




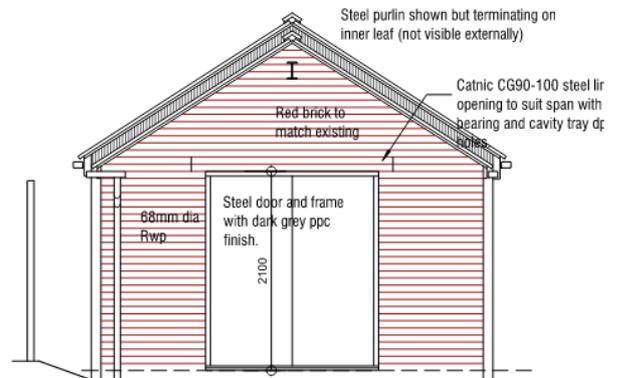
Proposed Garage Extension



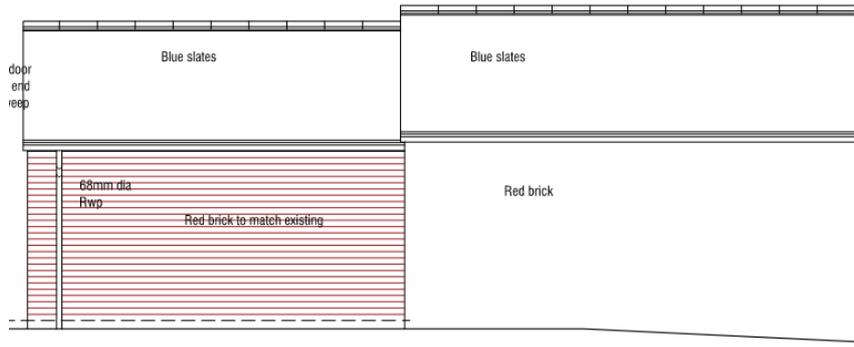
Plan 1:400



East Elevation 1:50

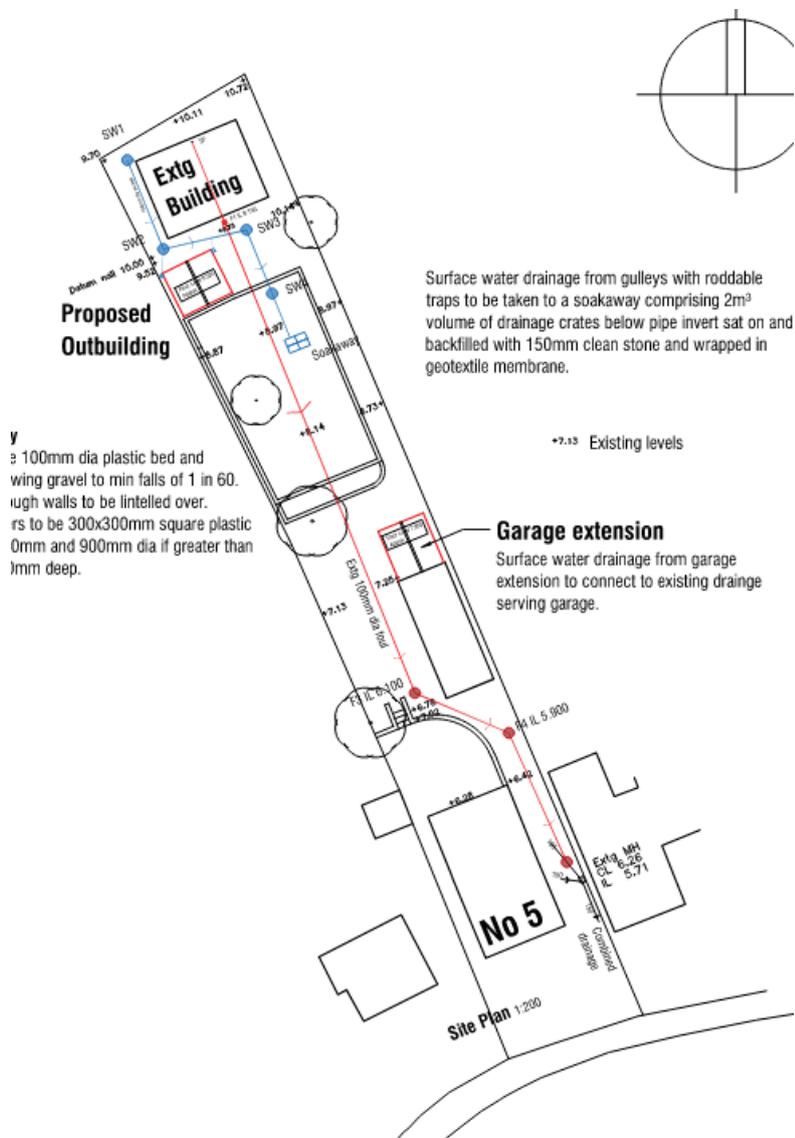


North Elevation 1:50



West Elevation 1:50

Site Plan



Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027, or earlier, if circumstances require it.

The following Local Plan policies are relevant in this case:

- Policy SD1: Presumption in favour of Sustainable Development.
- Policy D1: High Quality Design and Place Making.
- Policy GD1: General Development.
- Policy T4: New Development and Transport Safety

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The most relevant sections are:

Section 2 - Achieving sustainable development

Section 4 - Decision making

Section 12 - Achieving well-designed places

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

Supplementary Planning Guidance

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty-eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The most pertinent SPD's in this case are:

- House extensions and Other Domestic Alterations
- Parking

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

Consultations

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website; two letters of objection has been received; however, these are from the same person, at the same property. They have raised the following:

- Overlooking
- Works to the proposed garden room undertaken without planning permission
- Erection of the existing detached summer house without planning permission

The following comments have also been made, however these are considered non-material.

- Restrictive covenant
- Significant landscaping works
- Removal of trees
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Planning Assessment

For the purposes of considering the balance in this application, the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle

The site falls within Urban Fabric where extensions and alterations to a domestic property are acceptable in principle provided that they remain subsidiary to the host dwelling, are of a scale and design which is appropriate to the host property and are not detrimental to the amenity afforded to adjacent properties.

Impact on Neighbouring Amenity

The Supplementary Planning Document for House Extensions and Other Domestic Alterations states that proposals for house extensions, roof alterations, outbuildings and other domestic alterations should be of a scale and design which harmonises with the existing building and be subordinate; not adversely affect the amenity of neighbouring properties; maintain the character of the street scene and not interfere with highway safety.

The proposed garden room is located at the bottom of the garden, approximately 46m from the rear elevation of the dwelling and it is acknowledged that the garden level raises towards to north-western rear boundary, which could lead to increasing levels of overlooking.

Whilst the garden room is located adjacent to the south-western side boundary with no. 6 Moor Lane, this elevation is to be of a solid construction and therefore would not lead to an increase in overlooking of this property.

The garden room is to be situated approximately 8m from the north-eastern side boundary with no. 4 Moor Lane, and the 2m close boarded timber fencing, along with the extensive vegetation within the neighbouring property would provide adequate screening.

Due to the rise of the land towards the rear boundary, there are clear views of the rear elevations of both neighbouring properties, which could lead to an increase in overlooking. However, the proposed garden room does not create a raised platform above the existing ground level and therefore would not increase levels of overlooking above existing levels. The inclusion of the larch cladding to the southern elevation, could essentially reduce levels of overlooking from this area of the garden, as it provides a level of screening. In addition, as mentioned previously, the garden room would be located approximately 46m from the rear elevations of the properties, in excess of the minimum separation distance of 21m required between habitable facing windows in dwellings and as such the proposed garden room would not increase levels of overlooking to an unreasonable level.

The bottom of a garden is an area which is generally used least, and is generally not afforded the same level of protection as the area directly outside the rear elevation of a dwelling. Whilst the garden room would be located adjacent to the boundary with no 4, it is located to the east and as such would not lead to a significant increase in overshadowing. The garden room would be located to the west of no 4, which could lead to an increase in overshadowing due to its relationship with the path of the sun, however, due to the separation distance from this boundary, any overshadowing would occur over the application property. In both instances, the garden room has been designed with a low eaves and a hipped roof, lessening the impact on the neighbouring properties.

The proposed garage extension would not have any windows located on either side elevation, with the doors facing into the applicants garden, and in any case the space is to be used as storage rather than as a habitable room.

The garage extension is to be located adjacent to the boundary with no 4 and as mentioned previously, due to the path of the sun, it could lead to an increase in overshadowing of the neighbouring garden. However, the garage extension is designed with a low eaves and ridge levels with the roof sloping away from the boundary lessening the impact on the neighbouring property.

In light of the above, it is therefore considered that the proposal would not result in a significant increase in overlooking, overshadowing or reduce levels of outlook to a detrimental level and is in compliance with Local Plan Policy GD1 General Development and Supplementary Planning Document House Extensions and Other Domestic Alterations. This carries considerable weight in favour of the application.

Scale, Design and Impact on the Character

The Supplementary Planning Document for House Extensions and Other Domestic Alterations states that detached garages and outbuildings should relate sympathetically to the main dwelling in style, proportions and external finishes.

Detached garages and 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.

The proposed garden room and extension to the detached garage are located within the rear garden of the dwelling and are not visible from public vantage points and would not form a dominant feature within the street scene. Nevertheless, they are constructed from materials which harmonise with the original dwelling and the setting of the dwelling and as such it is considered that the proposed garden room and garage extension are acceptable in terms of visual amenity and in compliance with Local Plan policy D1: High Quality Design and Place Making and as such carries significant weight in favour of the application.

Highways

Supplementary Planning Document – Parking sets out the parking standards for dwellings; a dwelling comprising of 3 or more bedrooms requires the provision of 2no off street parking spaces.

The proposed development does not result in the loss of existing off-street parking, nor does it result in the requirement of additional parking provision, and as such is considered acceptable in terms of its impact on highway safety and in compliance with Local Plan Policy T4 New Development and Transport Safety. This carries significant weight in favour of the application.

Other Issues

Comments have been made in relation to works being undertaken without planning permission, the removal of trees from the site, and that there is a restrictive covenant on the property.

It is acknowledged that the construction of the detached garden room commenced prior to the determination of the application, however, it is not an offence to construct a building without planning permission. The applicant was advised to cease all works until a time that permission was granted and that any further works would be at their own risk.

There are no Tree Preservation Orders on the trees within the site and therefore there is no restriction on the removal of trees within the ownership of the application site.

The granting of planning permission does not infer any other consent is given and inclusion of a restrictive covenant is a legal matter and not a material planning consideration.

Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to necessary conditions. Under the provisions of the NPPF, the application is considered to be a sustainable form of development and is therefore recommended for approval.

RECOMMENDATION: Approve subject to conditions

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered

that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

Justification

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.