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**2021/0699**

Applicant: Brian Hemsley

Proposal: Change of use of existing building from office into 1no. dwellinghouse.

Address: 25 Barugh Lane, Barugh Green, Barnsley, S75 1LH

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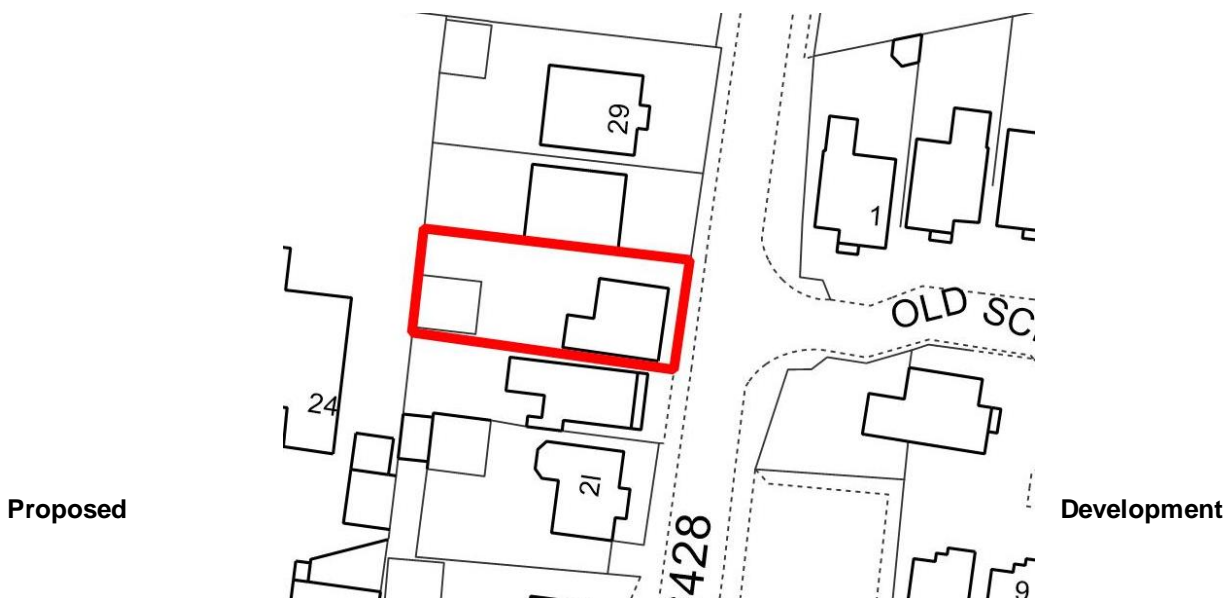
### Site History

2017/0847 – Proposed dormer extension to side of roof, (Resubmission of application 2017/0262) – Approved with conditions

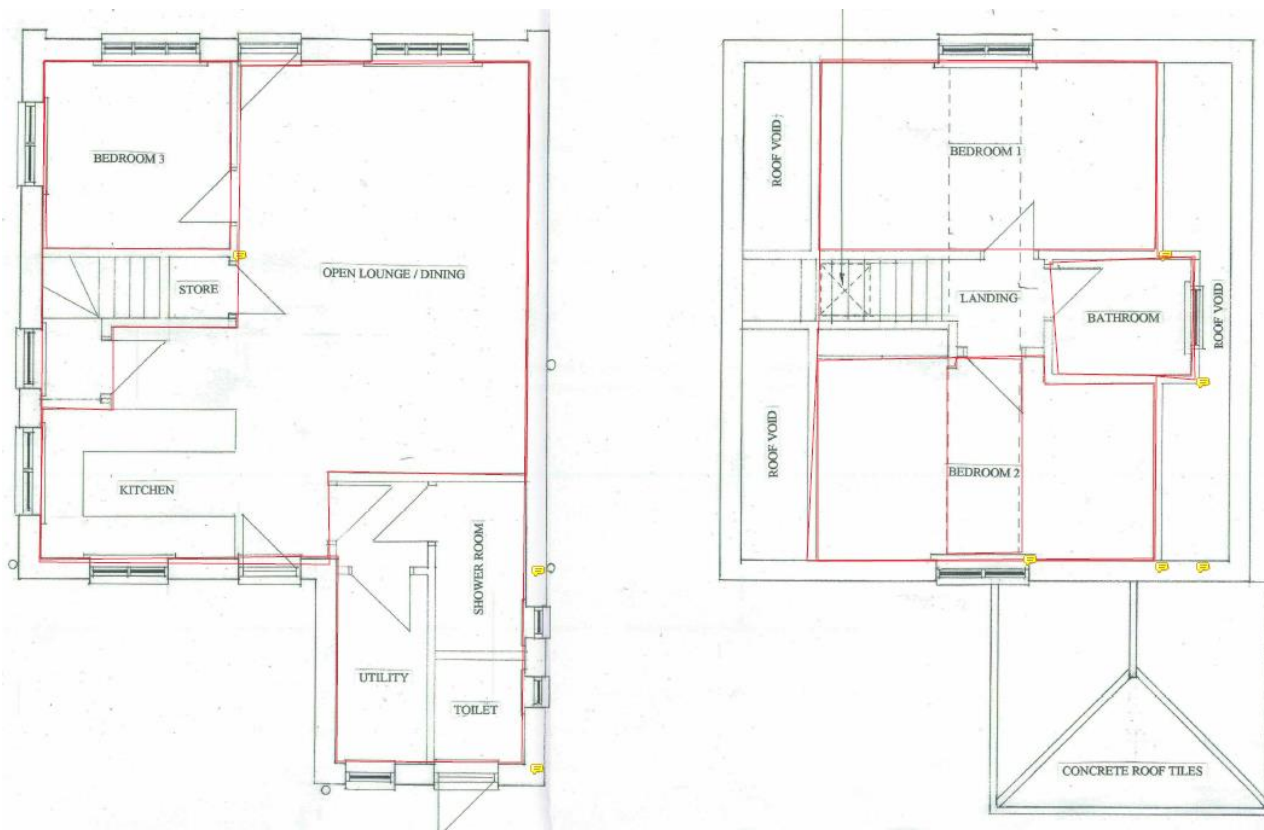
2017/0262 – Extension to roof to form first floor bathroom and store – Approved with conditions

### Site Description

The application relates to an office on Barugh Lane that resembles a dwellinghouse. The building is of a 1.5 storey construction with rooms in its roof roofspace. The principle elevation is a gable-end that faces east towards Barugh Lane with vehicular access provided across the northern side elevation to the rear of the property where a detached outbuilding/garage is located. The building has been extended with a dormer on its southern roof slope to provide a bathroom and store and a single storey extension is present on the rear elevation – though it is believed this is an original feature. The external appearance of the building includes a mix of cream render, red and black brick alongside anthracite windows. The roof is composed of interlocking concrete tile. The site topography is generally flat and the front of the curtilage is enclosed from the highway by a dwarf wall with decorative railings and gate. The surrounding streetscene is predominantly residential with the building being set within the clearly distinguished build line on the western side of Barugh Lane. South east is a car park for an Indian Restaurant. A detached outbuilding is located in the rear curtilage of the building which is provisioned with a flat roof.



The applicant proposes to change the use of the building from an office (E class) use to a three bedroom dwellinghouse (C3 use). Two bedrooms will be provisioned within the roofspace at the first floor alongside the bathroom created under 2017/0847. The ground floor will include an open living space inclusive of a lounge/dining room and kitchen, the third bedroom, an understairs cupboard, shower room, utility room and externally accessed toilet. The redline boundary includes the outbuilding within the change of use and a verbal telephone conversation with the applicant has confirmed this to be the case. The ground floor footprint of the dwellinghouse is indicatively 57sqm while the first floor is 32sqm. The outbuilding, is also approximately 30sqm in internal foot print. The remainder of the rear curtilage is approximately 160sqm and is a mix of turf and a paved turning area for vehicles.



## Policy Context

Planning decisions should be made in accordance with the development 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 Local Plan is the borough's statutory development plan which is supported by a series of adopted Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

## Local Plan

The new Local Plan was adopted at the full Council meeting held 3th 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).

Relevant Local Plan policies include:

LG2 – The Location of Growth

GD1 – General Development

D1 – High Quality Design and Place Making

## T4 – New Development and Transport Safety

### Supplementary Planning Documents

- Design of Housing Development (DHD)
- Parking

### Other Considerations

South Yorkshire Residential Design Guide (SYRDG)

### 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, the policies above are considered to reflect the NPPF, relating to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 124 (general design considerations) and paragraph 130, which state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Consideration is especially given to paragraph 70 in relation to plan-making and policies to resist inappropriate development of residential gardens where development would cause harm to the local area.

Further advice in respect of the efficient use of land shall be taken into account in respect of NPPF Paragraph 118 and its sub-clauses.

### **Consultations**

*Ward Councillors* – No responses received.

### **Representations**

The application was advertised by way of a site notice and neighbour notification letters despatched to surrounding properties. No responses have been received.

### **Assessment**

#### Material Consideration

Principle of development  
Visual Amenity  
Residential Amenity  
Highway Safety

#### Principle of development

The site is designated as Urban Fabric in the Local Plan Policies Map. Urban Fabric is an allocation that acknowledges that land has previously been developed and is capable of being redeveloped on the basis that the scale, type, appearance, layout and landscaping of development accord with the predominant use of the area.

When viewed purely in terms of the proposed use of the land, the proposal is acceptable in that it is sited within an existing building where the predominant use of the area is C3 residential use.

NPPF paragraph 118 (d) requires LPA's to promote and support development of under-utilised land and buildings. The Local Plan provides sufficient land to meet the five year housing land supply (5.8 year supply) so the Borough does not have a constrained supply, though undoubtedly the site can be utilised more effectively as a dwellinghouse which means that the proposal confirms with national planning policy.

### Visual Amenity

The main and ancillary buildings on site appear to have been constructed with a view to becoming a dwellinghouse in the future and without the application itself indicating those buildings are currently in administrative business use, one would think the site is already used for the proposed residential use.

Indeed the building's finishing materials, fenestration and landscaping fit-in with the surrounding residential character of Barugh Lane and its re-use as a dwellinghouse will only serve to improve the current arrangement and guarantee maintenance into the future.

On the basis of the above assessment, the proposal is deemed to be in-keeping with the character, urban pattern and grain of the area and is not likely to decrease the aesthetic quality of the area in accordance with BLP Policy D1 – High Quality Design and Placemaking.

### Residential Amenity

The application does not propose any further extensions or additions to the property which may otherwise have an adverse impact on the adjoining residential properties. Indeed conversion to a matching use (residential) to the surrounding area will likely improve security of the site to the benefit of adjoining properties while also ensuring that amenity impacts are minimized.

The future occupants will benefit from a large private curtilage at the rear which has already been landscaped with some soft landscaping and boundary treatments – the size of the rear garden far exceeds the minimum of 60sqm required for a three bedroom dwelling as set out by the SPD DHD. The dwelling at 27 Barugh Lane does form a significant overbearing feature on the shared boundary. However, as the neighbouring dwelling is sited in a northern location, the overbearance is not combined with a high level of overshadowing and it is considered that the arrangement, though not ideal, is not sufficient to warrant a refusal on amenity grounds in this instance. Similarly there are no side windows on 27 that would incur significant loss of privacy and though the neighbour at 23 Barugh Lane does have some side windows, that dwelling is located further forward in its plot and therefore those windows are unlikely to overlook No. 25's private rear curtilage.

The internal space of the main building at 92sqm conforms with the minimum requirements for a three bedroom dwelling as set out within the SYRDG. The internal space of the two first floor bedrooms is somewhat curtailed by the roof pitch of the building, but the floorspaces exceed the 12sqm minimum for double bedrooms and there should be sufficient internal space in those rooms when furniture is positioned appropriately.

The outbuilding is large and could be utilized for a separate use, a condition will be attached to ensure that the use of the outbuilding is incidental and ancillary to that of the main dwelling. Permitted development rights will also be removed to ensure that new additions to the dwelling are given full scrutiny by the LPA for the benefit of surrounding residents.

The change of use for the building is consequently determined to be in accordance with Local Plan Policy GD1.

### Highway Safety

The site can comfortably accommodate more than 2no. vehicles in off-street locations (2no. spaces being the minimum allowed for three bedroom dwellinghouses as set out in the SPD Parking) and has the capacity to enable vehicles to maneuver so that they can egress from the the residential curtilage in a forward gear. The access is already existing and CrashMap does indicate that some incidents have occurred nearby but these are correlated to the junction between the A635 and B6428 further south and are therefore unlikely to have resulted from this access directly onto the adopted highway.

Consequently, the proposal is determined to be in line with LP Policy T4.

### Other Considerations

The proposed change of use is within a High Risk Coal Mining Referral area which in certain circumstances requires submission of a risk assessment to determine whether further ground investigations are necessary. As the proposal is a 'pure' change of use with no ground works proposed, the proposal does not require a CMRA to be submitted.

Conclusion:

The proposed change of use is anticipated to have a minimal impact upon the amenity of surrounding residents while enabling the creation of a new housing unit within the Borough. The proposal is in line with all policies and guidance and the LPA are s

**Recommendation – Approve with conditions.**