
2024/0196

Applicant: Mr D Wood

Address: 21 Albert Street, Cudworth, Barnsley, S72 8BD

Description: Single storey rear extension, loft conversion to accommodate rooms in roof space (Permitted Development), and erection of single storey detached outbuilding (Permitted Development). to 2 storey terraced dwelling.

Site & Location Description:

The dwelling is red brick mid terrace house located on Albert Road, leading of Pontefract Road, the main road through the settlement of Cudworth. The street scene varies between with terrace blocks and older semi-detached dwellings on the odd numbered side, whilst the opposite side features larger semi-detached dwellings constructed at different periods over the past century. Historic maps have confirmed that the application dwelling, in keeping with the whole terrace block and some other terrace blocks within the neighbourhood are of a larger size to other terrace blocks and feature original outriggers.



Planning History: None

Proposed:

Although much of the proposal had already been confirmed as permitted development, and are included in the plans as indicative works, there was a query as to whether the proposed single storey (ground floor) rear extension was permitted development or would require planning consent, and as such is the principal aspect of this application.

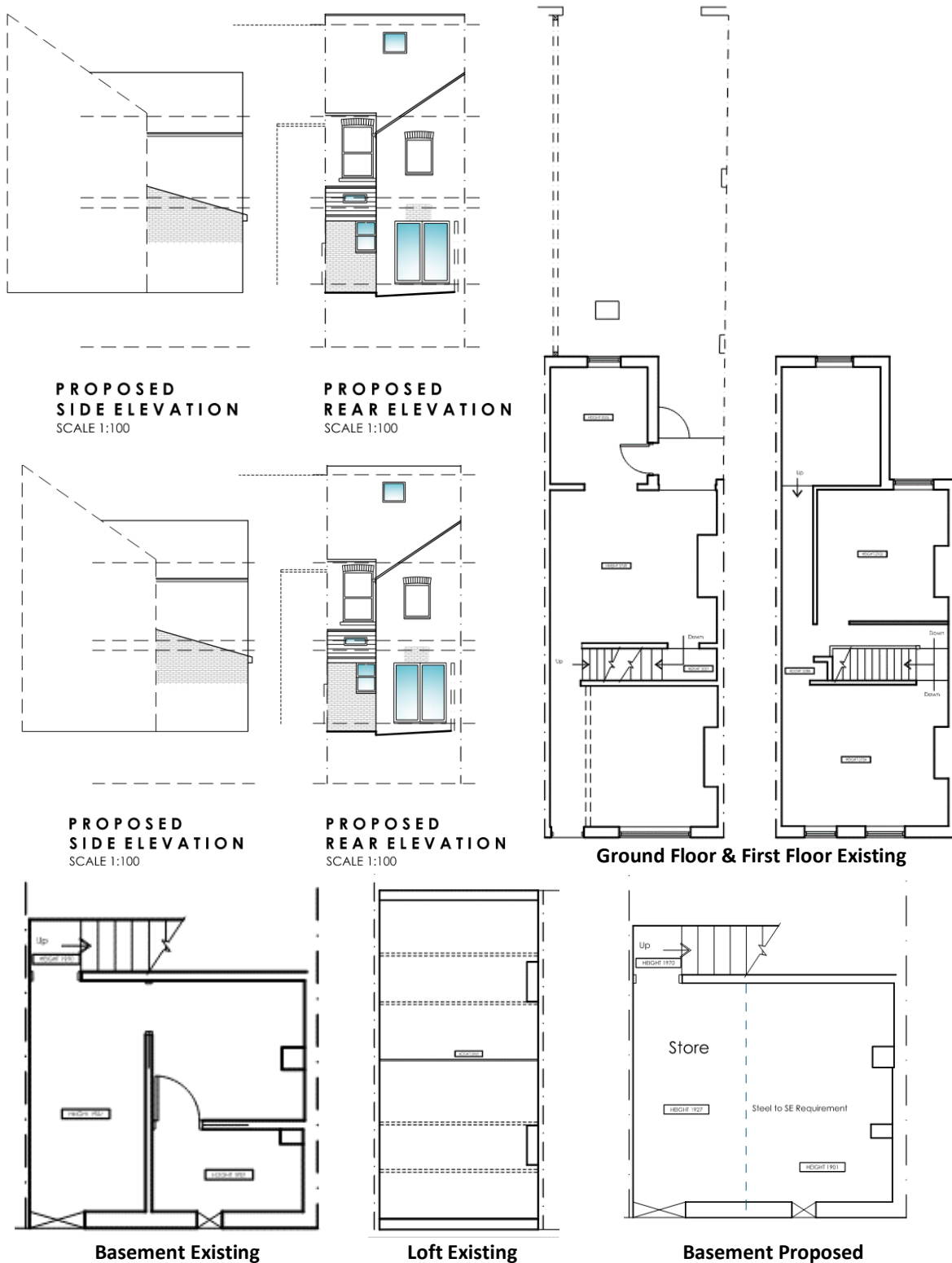
Measurements:

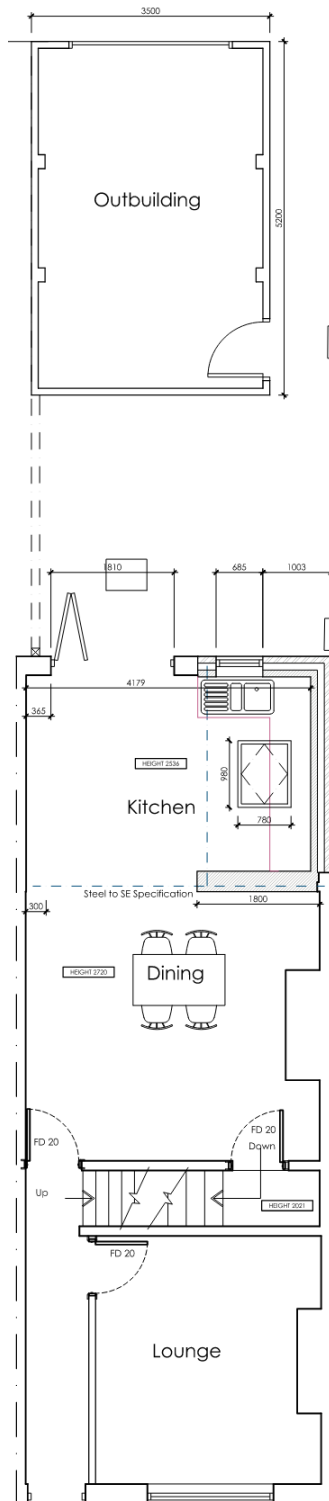
All existing roof and eaves heights have been measured on the existing plans and remain unaltered on the proposed plans. As shown below, in isolation, the extension would meet the requirement of permitted development.

Side (Rear) Extension

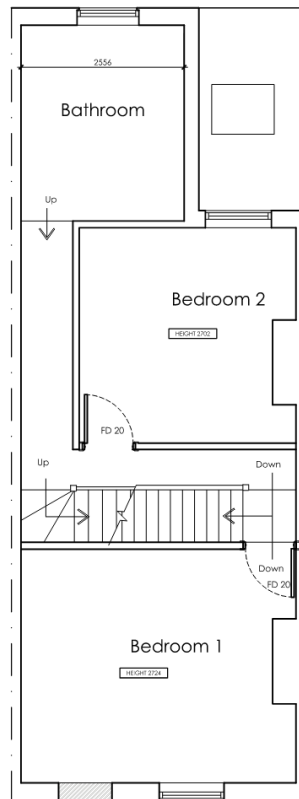
- **Rear Projection: 3.46m** (does not extend beyond original rear elevation)
- **Side Projection 1.7m** (Original dwelling width 4.62m, up to 50%/2.31m allowed)
- **Maximum Eaves Height: 2.62m** (maximum allowed 3m)
- **Maximum roof height: 3.54m** (maximum allowed 4m)

Existing and Proposed Elevations and Plans





PROPOSED GROUND FLOOR PLAN
SCALE 1:50

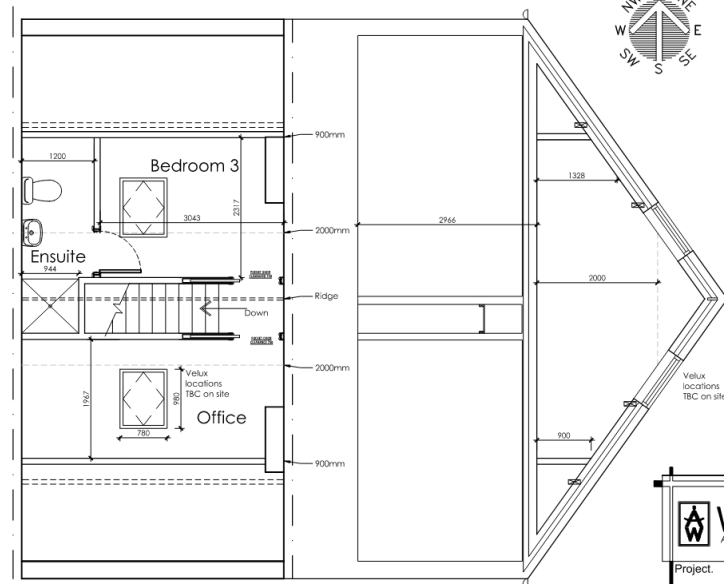


PROPOSED FIRST FLOOR PLAN
SCALE 1:50

OUTBUILDING TO BE PERMITTED DEVELOPMENT



PROPOSED OUTBUILDING ELEVATIONS
SCALE 1:100



PROPOSED SECOND FLOOR PLAN
SCALE 1:50

PROPOSED SECTION
SCALE 1:50

LOFT TO BE PERMITTED DEVELOPMENT

Project:	PR 21 ALBE B
Drawing Title:	PLA
Date:	04/03/2024
St:	17/04/2024

Local Plan Designation: Urban Fabric

Conservation Area: No

Neighbour Representations:

Letters were sent to nearby addresses; One objection was received.

The objection highlighted incorrect plans on the website, which were in the process of being checked and subsequently uploaded and available for public viewing. The second concern was over the extension and the possible impact on light levels and tunnelling effect caused by the extension. Finally the 45-degree angle rule in relation to extensions and the local SPD was mentioned. Whilst all these comments are valid and a planning officer confirmed these are valid concerns in a telephone conversation with the neighbour; as explained in more detail below, taken in isolation, the proposed extension would be considered as permitted development, where the valid concerns raised by the neighbour would be unfortunately become irrelevant, as they are not considered in development constructed through permitted development. In this unique scenario where each aspect of the development is permitted development, but together they may potentially breach a different aspect of permitted development allowance; the proposed extension has been assessed inline with local policy.

Consultees:**Highways DC:**

Highways have noted the existing lack of off-street parking provision and that the increase in bedroom numbers from two to three would equally increase the need for two parking spaces instead of one. However, due to ample on street parking provision, Highways have no objection to the proposal.

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 was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting on 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.

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:

Section 12: Achieving well-designed and beautiful places -

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Within section 12, paragraph 139 is the most relevant which indicates:-

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

Extensions to dwellings are allowed to be constructed without obtaining planning consent, providing they meet the criteria for prior notification set out in paragraph Class A, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), as detailed below. The proposed loft conversion and outbuilding have both been checked, and respectively meet the criteria set out in Class B and E, respectively, of Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Permitted Development

- A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

A.1 Development is not permitted by Class A if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);
- (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

(g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

(h) the enlarged part of the dwellinghouse would have more than a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,

(ii) have more than a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse;

(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

(k) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform,

(ii) the installation, alteration or replacement of a microwave antenna,

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(iv) an alteration to any part of the roof of the dwellinghouse or

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—

(i)obscure-glazed, and
(ii)non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

(c)where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Local Plan

In reference to this application, the following Local Plan 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.

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.

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.

T4 – New Development & Highway 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.

Supplementary Planning Documents (SPD)

House Extensions and Other Domestic Extensions

Principle of development

The site is located within land designated as Urban Fabric. 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.

Residential Amenity

The proposed loft conversion and outbuilding to the rear of the dwelling do not require formal assessment as they are allowable under permitted development, however, neither would seem to negatively impact upon the residential amenity of neighbouring dwellings or the neighborhood.

Having assessed the proposed single story (ground floor) rear extension, in common with the loft conversion and outbuilding, the proposed extension taken in isolation would be considered as permitted development. Furthermore, as the outrigger appears to be original, the proposed extension would be considered as a side extension, rather than a rear extension, but meets the criteria for a permitted development side extension.

Taken together, and without absolute accurate measurements of the dwelling's curtilage the outbuilding and side extension may be over the 50% allowance of the existing curtilage (excluding

the house itself) for outbuildings and extensions constructed through permitted development rights. Whilst the difference is largely negligible at circa 2 sqm, and quite possibly less, with a planning application already submitted, it would seem sensible to assess the extension as a planning application. In assessing the extension, as would be the case with any other proposal which is just beyond the threshold of permitted development rights, the principle of the assessment would be on the impact caused beyond what may be allowed under permitted development. For this extension, firstly it appears common for similar dwellings on the street to have a side extension. Secondly, as the size of the proposal has already been established to be allowable without planning consent, a requested reduction in size to the proposal would not decrease any minimal harm the proposal may have upon residential amenity of neighbouring dwellings. Furthermore, a small reduction in size would not reduce the beach of the 45-degree rule. Equally, if instead a request was made to reduce the size of the garage by 2 sqm, there would be no meaningful impact upon any potential harm to amenity caused by the outbuilding and the extension would still qualify for permitted development, and the 45-degree rule would not be applicable.

Visual Amenity

The proposals would not look significantly out of place, and the proposed side extension is a common feature of such terrace dwellings, including those on the street. As such whether the extension was allowed through planning consent or permitted development, the proposal would not have any significant negative impact upon the character of the dwelling or the broader street scene. The outbuilding is mentioned here as whilst it is considered permitted development, as with its potential impact upon residential amenity, if the outbuilding was reduced in size by circa 2 sqm, to allow the extension to be considered as permitted development, there would be no noticeable impact positive or negative in relation to visual amenity.

Highway Safety

Except for a change in policy requirements for an increase in parking provision from one to two spaces, due to the third bedroom, there are no proposed changes to access or parking arrangements. Highways DC have confirmed that there is ample on street parking, and they have no objection to the proposal, which would include not impeding Highway Safety.

Summary

Whilst the comments from the neighbour's objection have been considered, a refusal of planning consent for the proposed extension would not prevent the extension being constructed, with either a small reduction in its size or the proposed outbuilding to be slightly reduced in size. However, as mentioned above, this would not improve the visual or residential amenity of the neighbour or of the broader street scene. With no improvement achieved through any reduction, it is with discretion over an arguably insignificant measurement of circa 2 sqm, that a recommendation for approval is made.

Recommendation: Approve with conditions