2024/0384

Applicant: Mr Dave Chambers
Description: Variation of condition 2 (approved plans) of application 2022/0189 (Erection of two storey detached dwellinghouse with provision of attached treble garage to side, provision of access and 2m high perimeter fencing)
Site Address: 29 Windmill Gardens, Royston, Barnsley, S71 4HQ

Site Location and Description

The site measures approximately 2700m2 and is located immediately to the North of an existing pair of 2 storey, brick built semi-detached dwellings. Access is gained via a long and narrow unmade track which links the existing semis to Station Road to the South. Planning permission has already been granted for a 2 storey dwelling with treble garage under application 2022/0189 and work has commenced on site.

To the East of the site is a relatively modern housing estate with 2 no. bungalows backing on to the Eastern boundary. To the North is an open field and to the West is a triangular shaped piece of vacant land which has previously had planning permission for 18no. dwellings under applications 2015/0859 and 2018/0903.

Site History

2013/0215 – Erection of 3 no. dwellings and associated access – **approved**

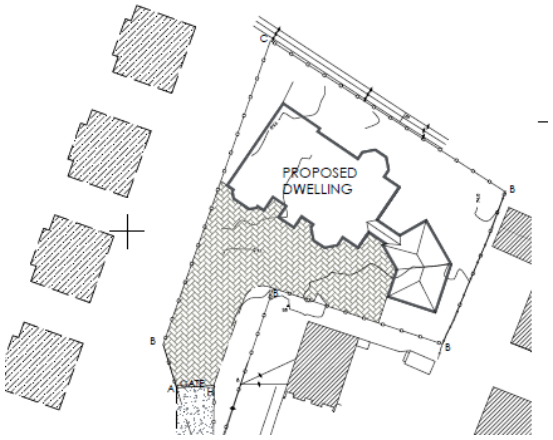


2016/0503 – Erection of 3 no. dwellings and associated access – **approved**

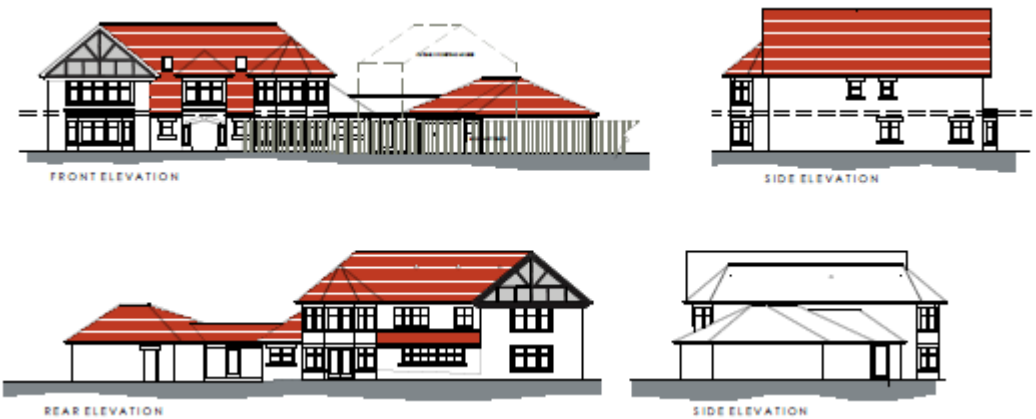


2022/0189 - Erection of two storey detached dwellinghouse with provision of attached treble garage to side, provision of access and 2m high perimeter fencing – **approved subject to conditions.**

Site Plan



Elevations

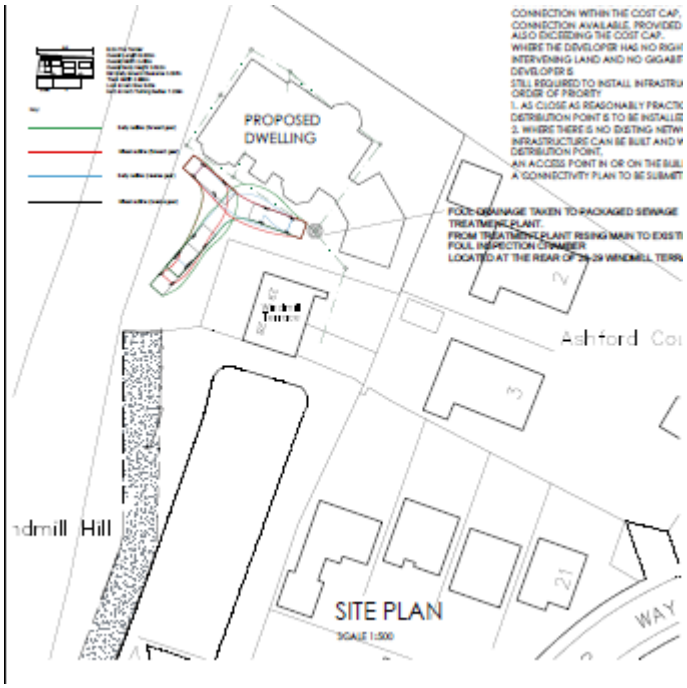


2024/0177 - Discharge of conditions 3 (External Materials), 6 (Landscaping), 11 (Retaining Structure), 12 (EVCPs), and 13 (Tree Protection) in relation to planning application 2022/0189 (Erection of two storey detached dwellinghouse with provision of attached treble garage to side, provision of access and 2m high perimeter fencing) – **approved**

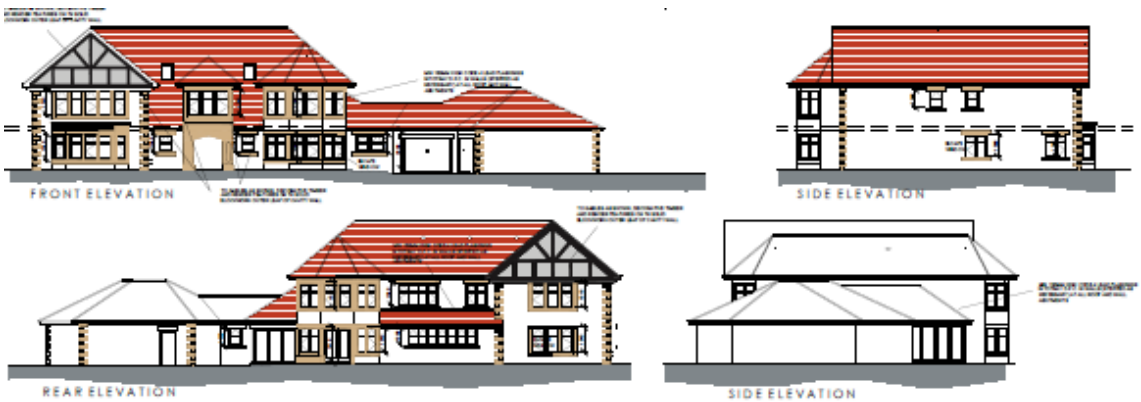
Proposed Development

Following on from the approval of application 2022/0189 the applicant has submitted a S73 application to vary condition 2 (approved plans) in order to make amendments to the approved scheme. The amendments include extending the rear kitchen wall out just over 1m between the gym and the bay window serving the dining room and the removal of the 'link' between the utility room and the garage. Instead the garage is now attached directly to the store/utility room which results in the garage moving in from the South Eastern boundary. There are also some relatively minor fenestration changes.

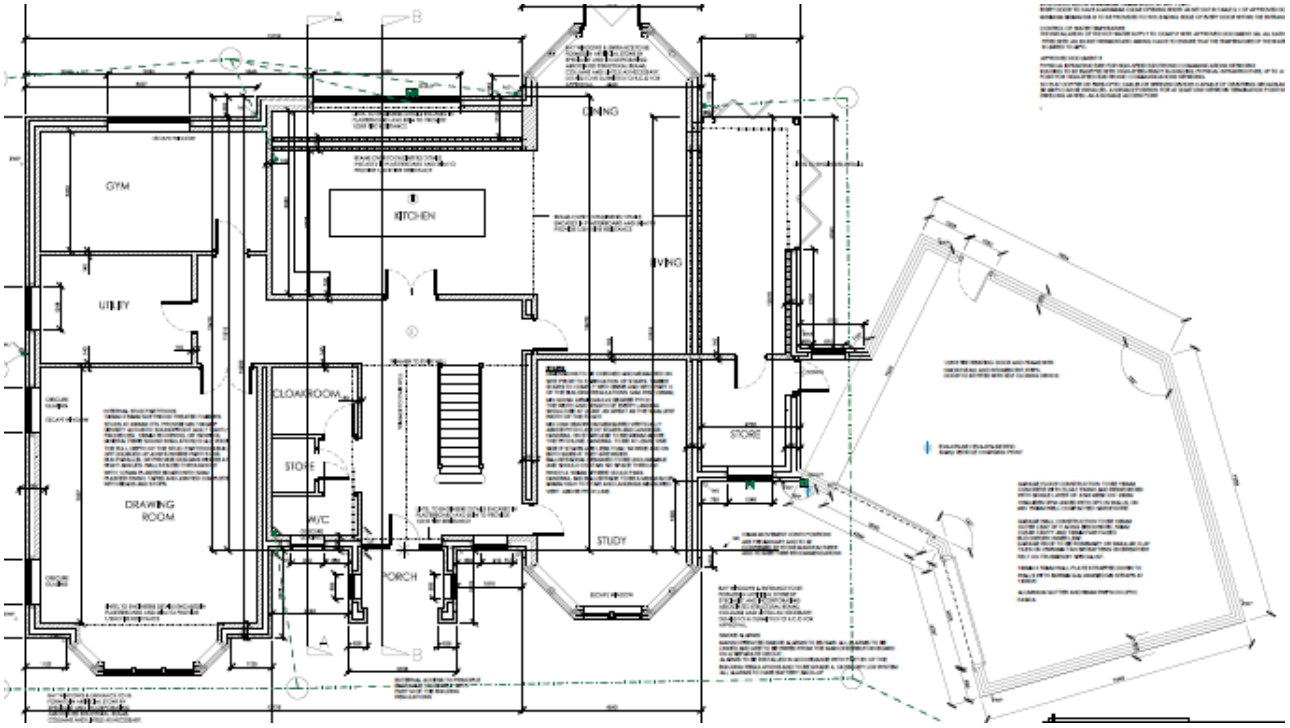
Site Plan

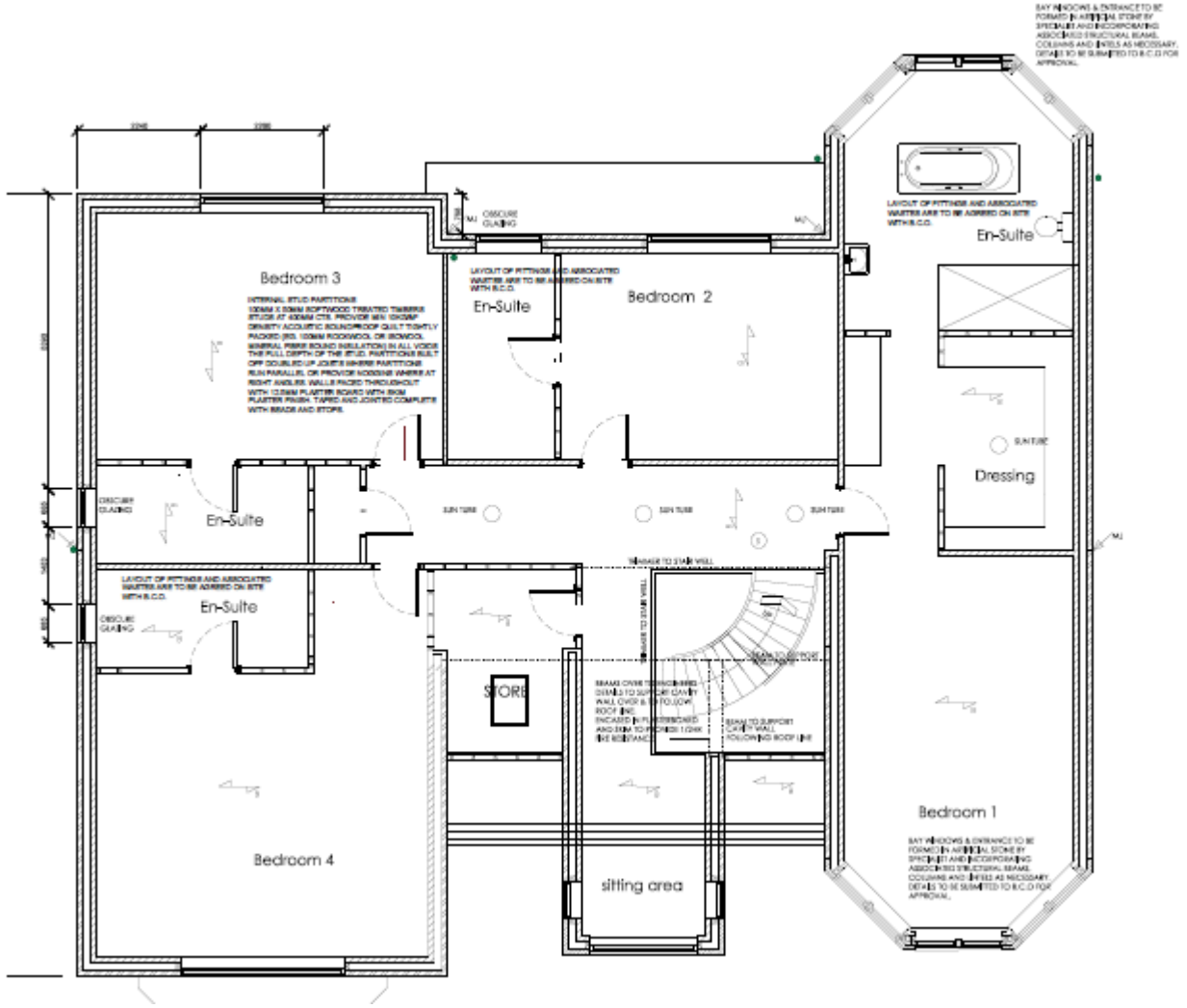


Elevations



Floor Plans





Policy Context

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.
The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

The majority of the site is allocated as Urban Fabric within the Local Plan Proposals Maps. However, part of the access runs through Windmill Hill Allotments, which no loner operate as allotments, and a small, elongated section to the West of the site is allocated as Green Space. Therefore the following policies are relevant:

Policy H1 The Number of New Homes to be Built

Policy H4 'Residential Development on small non-allocated sites'

Policy T4 New development and Transport Safety

Policy SD1 Presumption in favour of Sustainable Development

Policy LG2 The Location of Growth

Policy GD1 General Development

Policy GS1 Green Space

Policy D1 High Quality Design and Place Making.

Policy Poll1 Pollution Control and Protection

Policy BIO1 Biodiversity and Geodiversity

Policy CC2 Sustainable Design and Construction

SPD's

Those of relevance to this application are as follows:

-Designing New Residential Development
-Parking
-Sustainable Travel

Other

South Yorkshire Residential Design Guide

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.

Paragraphs of particular relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 96 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 115 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 131 - The creation of high quality 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.

Para 135 – sets out the requirements for development in terms of layout and design.

Consultations

Highways – No objections

Ward Councillors – No comments

Representations

A site notice was erected within the immediate area. 1no. letter was received which was not objecting to the application but pointing out work had already started on the site and the noise from machinery could sometimes be disturbing.

Assessment

Principle of development

The principle of a detached dwelling and associated garage was set under application 2022/0189 and that permission has been implemented with the main dwelling under construction. This application seeks to make relatively small amendments to that scheme, as such, those amendments will be assessed under the headings below.

In addition to the above, the amendments proposed must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy. In addition, development will only be granted where the development would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land.

Design / Visual Amenity

The proposed amendments largely consist of a marginal increase in footprint of the main house by including a circa 1.1m addition to the kitchen. However, there would be a decrease in footprint to the East of the dwelling by removing the ‘link’ between the house and the garage and connecting

the garage to the main dwelling without the link. This results in the garage being moved away from the South Eastern boundary. There are also some relatively minor fenestration changes.

Given the nature of the amendments, the appearance of the dwelling and the garage would not be significantly different to the extant permission. Furthermore, the site is not in an overly prominent position. As a result, the proposed amendments would maintain visual amenity, in accordance with Local Plan Policy D1 'Design', as well as the guidance set out in SPD 'Design of Housing Development'.

Residential Amenity

In terms of the small increase in footprint of the dwelling, that is to the rear elevation which backs on to a field. In any case, the increase is only circa 1.1m closer to the boundary than the approved elevation and only relates to part of the elevation. Furthermore, it does not project beyond the bay window already approved.

In terms of the removal of the 'link' between the dwelling and the garage this would actually be a slight improvement to residential amenity as the garage would be moved closer to the dwelling and away from the shared boundary. The garage itself would remain as previously approved.

As a result of the comments above, residential amenity would not be significantly different from the extant permission and as such, the proposal would be in accordance with Local Plan Policy GD1, SPD 'New Housing Development' and the South Yorkshire Residential Design Guide.

Highways Safety

There are no amendments to the approved access and parking arrangements. The modest repositioning of the garage would not detrimentally impact manoeuvring or parking.

Trees

A tree survey was submitted with the extant permission and the impact of the development on the trees was fully considered under that application. The amendments proposed would not have any detrimental impacts on the trees.

Biodiversity

Again this was fully considered under the extant permission. It is acknowledged that BNG has changed since the previous approval but it would be perverse to impose additional restrictions on this application given the previous approval is currently under construction and the proposed amendments are relatively modest.

Public Right of Way

A public footpath runs along the boundary of the site. The PROW team raised no objections to the previous application subject to an informative stating that safe public access on the right of way should remain available whenever possible, with no obstruction of or encroachment onto the width of the path and no building debris, storage of materials or parked vehicles limiting access at any time. Appropriate measures should be taken to protect the public, including fencing if necessary. This informative will be carried across to this application.

Conclusions

The proposed amendments are considered acceptable in relation to the considerations set out in the assessment section of the report including highways matters, residential and visual amenity, trees and the relationship with the adjacent Public Right of Way subject to appropriately worded conditions.

Taking into account the relevant development plan policies and other material considerations the application is in accordance with the development plan (most notably policies LG2, H1, H4, D1, GD1 & T4) and is assessed to be a suitable and sustainable form of development that accords with Local Plan Policy SD1 Presumption in favour of Sustainable Development in overarching terms. Similarly in National Planning Policy terms (NPPF) the presumption in favour of sustainable development is considered to apply also (para 11) which is that proposals that accord with an up to date development plan should be approved without delay. The recommendation is one of approval therefore subject to the conditions listed below.

Recommendation: Approve subject to conditions