

2023/0533

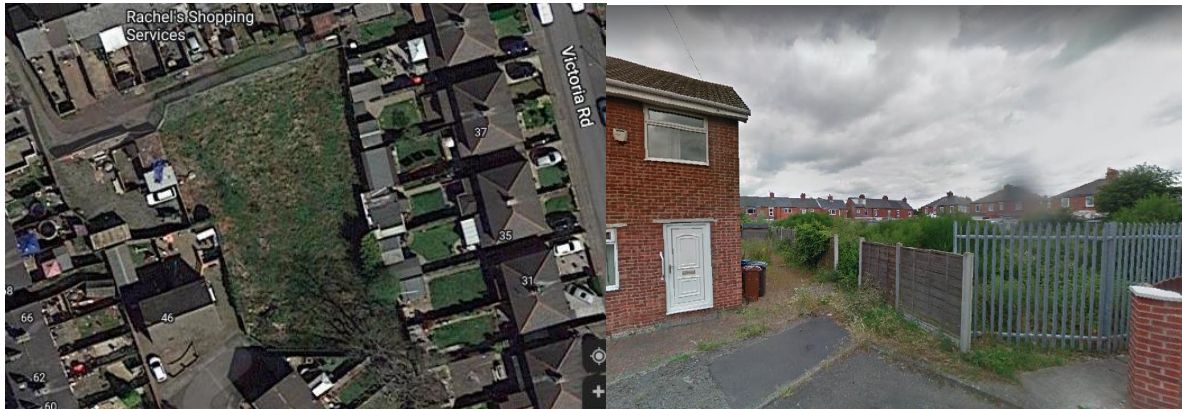
Mr Patrick Smith

Erection of 1no detached two storey dwellinghouse with a detached double garage

Land adjacent 44 Filey Avenue, Royston, Barnsley, S71 4PZ

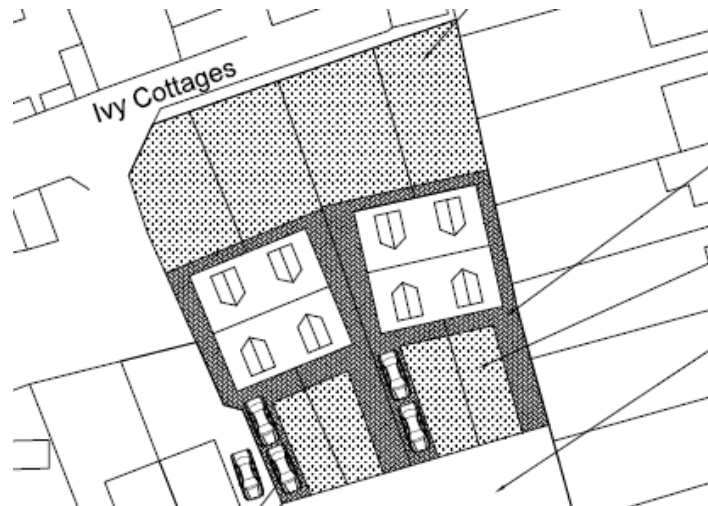
Site Description

The application relates to a plot of undeveloped land (approx. 0.1Ha) located to the far North of a residential cul-de-sac (Filey Avenue). The land is currently vacant and predominantly laid to grass. Vehicular access to the site is from the South Western corner adjacent to 44 Filey Avenue. Residential properties boarder all boundaries of the site with semi-detached 2 storey dwellings to the West and East and 2 storey terraced dwellings to the North West, North and South.



Site History

2019/1508 - Erection of 4 no. dormer bungalows and associated works

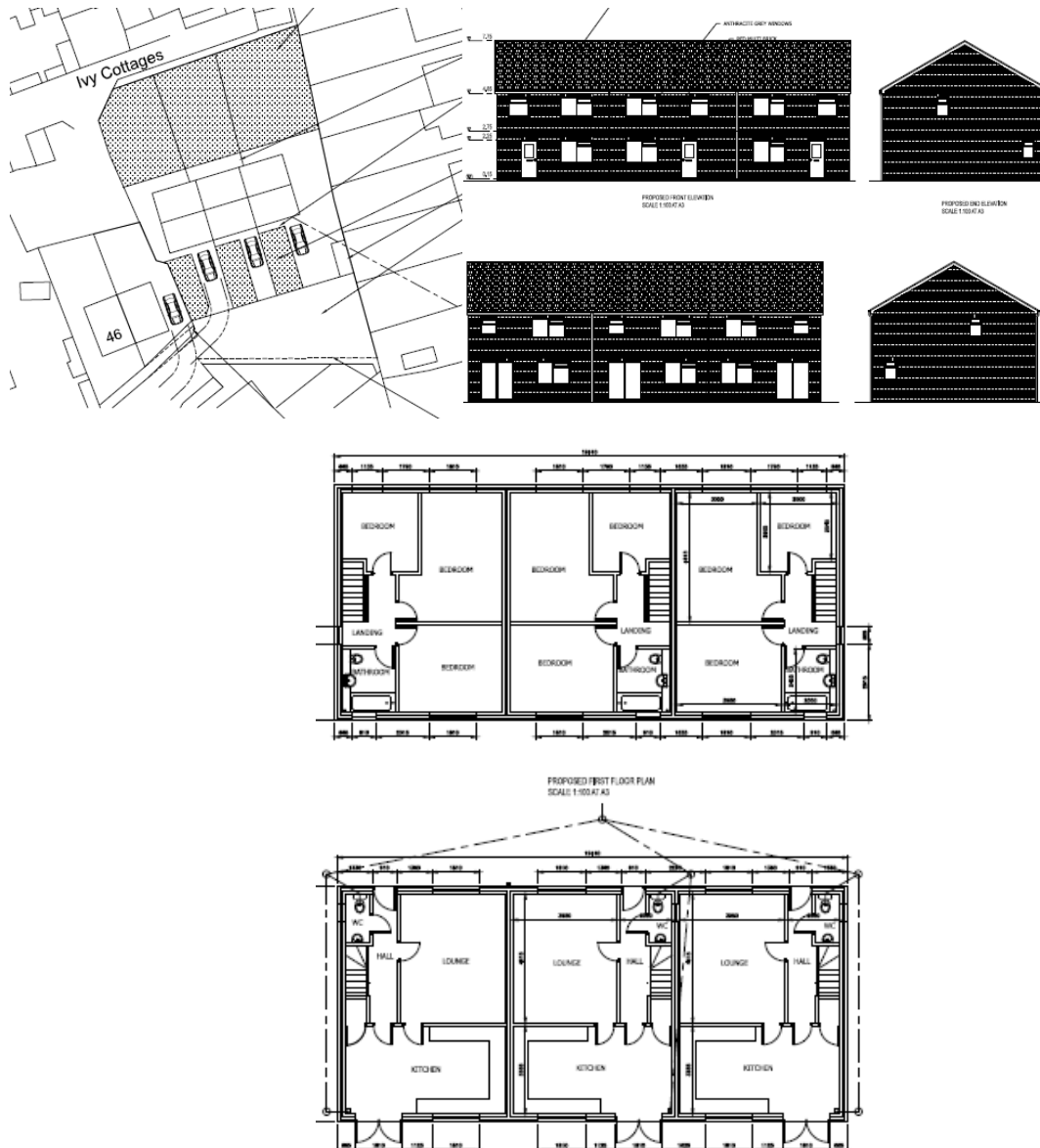


The application was refused for the following reasons;

- 1. In the opinion of the Local Planning Authority the proposed dwellings would be contrary to Local Plan Policy D1 and the Council's Supplementary Planning Document 'Design of Housing Development' in that their dormer bungalow design and excessively long side elevation, positioning and layout would be inconsistent with the character and development pattern of the area and would as a consequence appear as an unduly intrusive and incongruous feature in the street scene to the detriment of visual amenities of the area.*

2. In the opinion of the Local Planning Authority the proposed dwellings would be materially detrimental to the amenities of the adjacent dwelling by reason of their dormer bungalow design and excessively long side elevation, their positioning and location which would result in excessive scale and massing adjacent to the side boundary of 44 Filey Avenue causing a detrimental increase in levels of overshadowing and overbearing. In addition, the development would generate undue noise and disturbance as a result of the amount of development proposed and the position of the driveways resulting in vehicle manoeuvring tight up against the boundaries with neighbouring gardens. The development is, therefore, contrary to Local Plan Policy GD1 - General Development and SPD Design of Housing Development

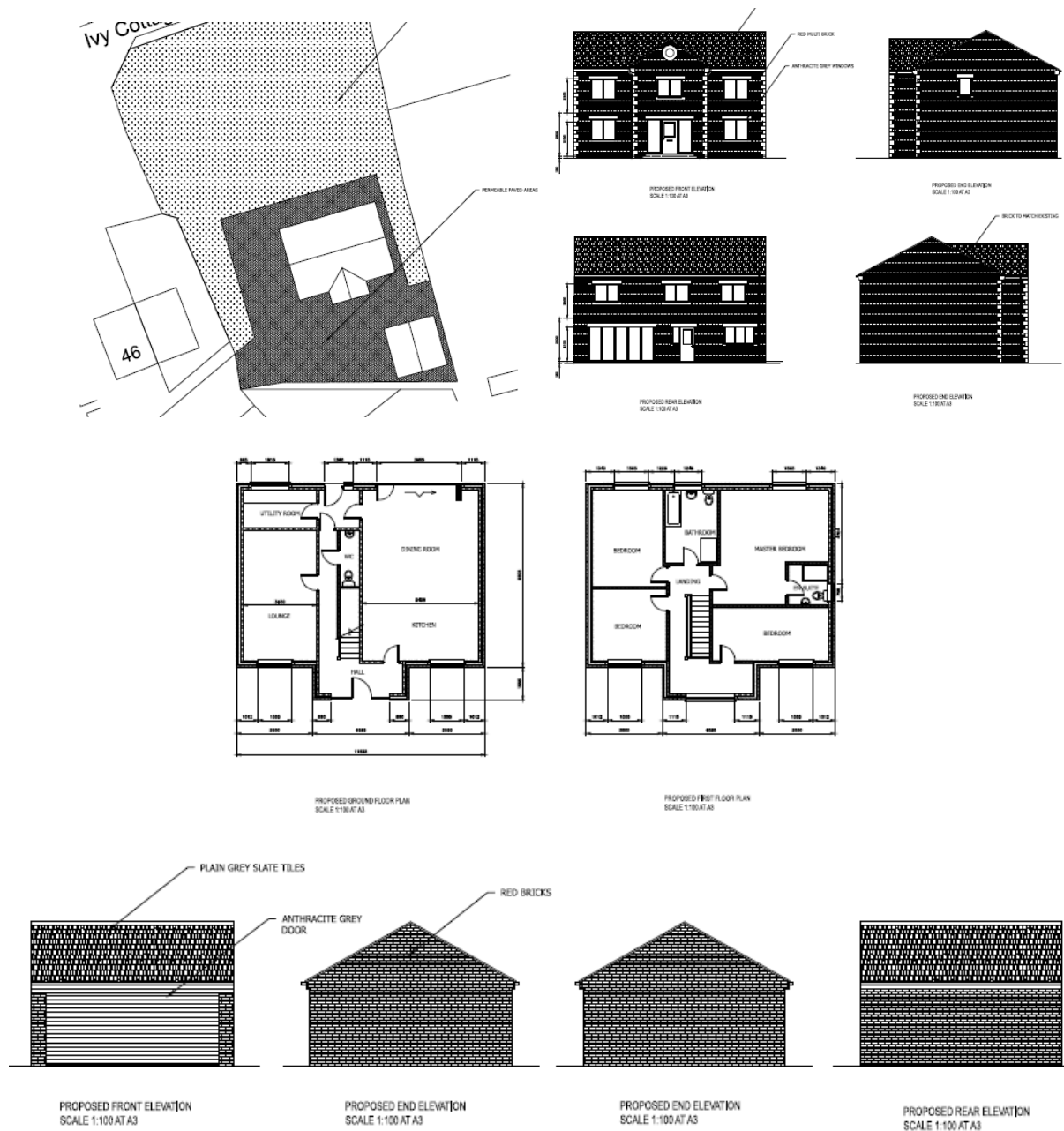
2021/0162 - Erection of 3no dwellings and associated - approved



Proposed Development

Following on from the approval of 3no terraced properties on the site under application 2021/0162, the current applicant now proposes a single detached, 2 storey dwelling with detached garage. The dwelling would accommodate a lounge, dining kitchen, utility room and WC on the ground floor and 4no. bedrooms (1no. en-suite) and a bathroom on the first floor.

The proposed garage would sit forward of the front elevation of the dwelling and measure 6m wide by 6m deep with an eaves height of circa 2.3m and a ridge height of circa 4.2m.



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 site is allocated as Urban Fabric within the Local Plan Proposals Maps and 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 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 92 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 111 - 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 126 - 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 130 – sets out the requirements for development in terms of layout and design.

Consultations

Drainage – Building Control to check

Yorkshire Water – No objections

Highways – No objections to the amended plans subject to conditions

Ward Councillors – No comments received

Representations

Notification letters were sent to surrounding properties and a site notice placed within the immediate area. 2no. letters of representation have been received. The issues raised in the objections include:

- Boundary queries regarding the access road at Ivy cottages
- Loss of Privacy/increased overlooking
- Increased noise and disturbance
- Loss of trees

Assessment

Principle of development

The site is located within the Royston Principle Town Area. The significance of the site being located in the Royston Principal Town area is that is a priority location to accommodate growth and new residential development in spatial and sustainable development terms making it compliant with policies LG2 and H2.

The site lies within designated Urban Fabric in the adopted Local Plan. As such, all new dwellings 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.

Local Plan policy H4 'Residential Development on small Non-allocated sites' is relevant and states 'proposals for residential development on sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies within the plan'.

Policy GD1 and the NPPF further require that proposals are compatible with neighbouring land, will function well and add to the overall quality of the area and will not significantly prejudice the future use of the neighbouring land. The requirements of these policies are echoed in the Council's SPD: Designing New Housing Development.

As outlined in the site history section above, a residential development of 3no. dwellings has been recently approved on the site and is extant, as such, the principle of residential

development has been established. This report will focus on the merits of the proposed change from 3no. dwellings to 1no. detached dwelling under the following headings;

Residential Amenity

The proposed dwelling located on the currently vacant site would inevitably introduce noise and disturbance through residential activity and vehicular movements. However, it would be arguably less than the 3no. dwellings previously approved and, given the density and nature of the area, would not be to an unreasonable degree or be significantly detrimental to existing residents.

The proposed front elevation of the dwelling, which contains habitable room windows, is situated further forward on the plot than the approved dwellings and face the rear amenity spaces of the dwellings fronting Filey Avenue to the South. However, there is a separation distance in excess of 10m between the habitable room windows and garden boundaries which meets the requirements of SPD 'Design of Housing Development'.

The proposed rear elevation is further from the rear boundary and the neighbouring properties on Ivy Terrace than the previous approval and the Eastern elevation is set further in from the boundary shared with 44 Filey Avenue. The proposed dwelling is more comparable to the neighbouring building line than the previous approval too. As such, the dwelling would not significantly increase overshadowing or be an overbearing feature.

The proposed dwelling would be a similar distance to the dwellings to the East as the previous approval and the eaves and ridge height of the proposed dwelling is the same as the terraced row previously approved. In addition, the dwelling is set in around 4m from the rear boundaries of those properties and is significantly in excess of the required 12m from the neighbouring rear elevations, as such, the proposed dwelling would not result in significant overshadowing or be an overbearing feature.

The proposed garage would be located in the South East corner of the plot. It would be adjacent to boundaries shared with neighbouring amenity spaces but would be set away from neighbouring elevations containing habitable room windows. In any case, the garage is a standard double garage size with modest eaves height and a roof which slopes away from the Eastern and Western boundaries.

In terms of the amenity of future residents, the internal spacing exceeds the requirements of the South Yorkshire Residential Design Guide. Furthermore, the rear garden area is generous and far exceed the 60m² requirement of the SPD.

Given the comments above, the change from 3no terraced properties to a single detached dwelling would maintain residential amenity for existing residents and provide adequate amenity levels for the future residents of the dwelling, in accordance with Local Plan Policy GD1.

Visual Amenity

The site is in a non-prominent position at the end of a cul de sac and is surrounded on all sides by existing 2 storey residential properties, as such, views from public vantage points are limited.

As outlined above 3no. terraced dwellings have previously been approved on the site and that permission is extant. It is noted that Filey Avenue is predominantly made up of terraced and semi detached properties and the proposed dwelling is detached. However, due to the non-prominent position of the site, and the position of the dwelling on the site, it would not have a significant impact on the streetscene or be viewed in the same context as the existing houses fronting Filey Avenue. In any case, the proposed dwelling would take design cues from the

neighbouring housing stock such as the size and design of the fenestration and the materials proposed. Therefore, residential amenity would be maintained to a reasonable degree.

It is noted that the proposed garage would be located to the front of the property, however, the SPD restricts detached garages between the front elevation and the highway. In this case the front boundary does not adjoin the highway and instead is adjacent to neighbouring side boundaries. As such, the garage would be located within the South Eastern corner of the site with limited views from public vantage points. Therefore, it would not be prominent within the streetscene or have a negative impact on visual amenity.

The garage would also be subordinate to the dwelling with a standard double garage footprint and modest eaves height. It would also take design cues from the host dwelling and be constructed from matching materials.

There would be a large area of hardstanding to the front of the dwelling and adjacent to the garage, however, as outlined above it would not be prominent within the streetscene. Furthermore, soft landscaping is proposed to both sides of the dwelling which would soften the area and would be conditioned.

As a result of the comments above, the proposed dwelling and associated garage would maintain the visual amenity of the streetscene and meet the requirements of Local Plan Policy D1 and SPD 'Design of Housing Development'.

Highway Safety

As with the previous approval on the site, the vehicular access to the site involves extending Filey Avenue beyond number 44. Given the width of the existing access and the location of the pavements the access into the site is relatively narrow.

The plan includes the footway along the frontage of no.'s 44 and 46 Filey Avenue and indicates that it is proposed to slightly alter the alignment of the footway along the frontage of no.44 which enables an access width of 4.0m to be achieved at its narrowest point. The access and parking arrangements for the new dwelling as well as no.44 Filey Avenue are satisfactory in that they meet the requirements of SPD 'Parking' and allow for adequate turning and manoeuvring.

Furthermore, the current proposal is for 1no. dwelling while 3no. dwellings using the same access have already been approved, as such, this application would be less intensive.

As a result of the comments above, highways have raised no objections to the amended development and the scheme accords with Local Plan Policy T4..

Conclusion

In summary, the proposed scaled back residential development is considered acceptable in principle due to the land being designated urban fabric in the local plan and it being within the Royston Principal Town which is a priority to accommodate housing growth. The site has been assessed to be compatible to accommodate housing development being positioned adjacent to existing residential developments and by virtue of being a form of infill site that is surrounded by the built environment on all 4 sides. In addition there is an extant development on the site which has been considered under currently adopted policies and guidelines. Furthermore it is in a suitable location that is related to the Royston Principal Town settlement that is located near to existing facilities. The proposals therefore achieve compliance with local plan policies LG2, H1, H2 and therefore SD1 Presumption in Favour of Sustainable Development by consequence.

The application is also considered acceptable in relation to the other considerations set out in the assessment section of the report including highways matters and visual and residential amenity 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, H2, GD1, D1 and 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