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Mrs Heather Rayner

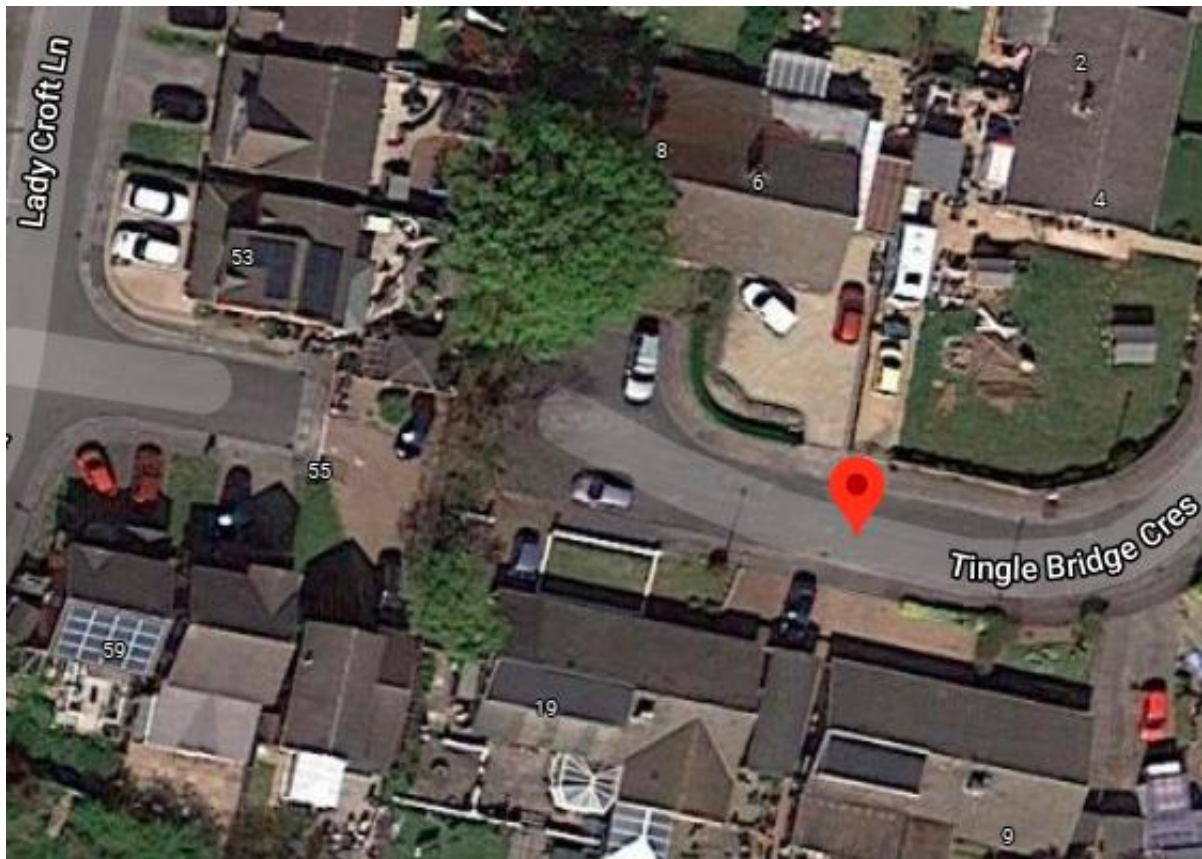
Change of use of land to garden land and erection of fence, garden shed and other domestic paraphernalia (Retrospective)

53 Lady Croft Lane, Hemingfield, Barnsley, S73 0QP

Description

53 Lady Croft Lane is a detached property which faces onto and is accessed via Lady Croft Lane to the west. The rear garden of the dwelling faces onto the head of the cul-de-sac of Tingle Bridge Crescent to the east. Tingle Bridge Crescent is a cul-de-sac of semi-detached bungalows. These properties all have front gardens, with the properties to the north having fairly spacious green gardens to the front.

To the head of the cu-de-sac was an area of grass verge which was planted by the residents of Tingle Bridge Lane. Two trees which include an Oak Tree close to number 8 and an Ash Tree which is set closer to number 19 are set adjacent to the boundary of the properties on Lady Croft Lane. The rear garden of number 53 Lady Croft Lane has been extended into this area of grass verge to the head of the cul-de-sac of Tingle Bridge Crescent. The boundary fence has been erected adjacent to the turning head of the cul-de-sac. The new boundary includes a gate which provides pedestrian access directly on to the carriageway within the turning head, there is no footway provision to this access. An outbuilding has been erected within this land and a seating area has been provided and laid with stone.









Google Image of the site dated March 2011

Proposed Development

This application is retrospective for the retention of the extension of rear garden area to number 53 Lady Croft Lane into the area of grass verge to the head of the cul-de-sac of Tingle Bridge Crescent. 6ft (1.8m) high fencing has been erected around the land with a pedestrian gate access directly onto the highway. An octagon shaped outbuilding has been erected within this land measuring 6ft by 6ft (1.8m by 1.8m). and a seating area has been provided and laid with stone.

Complaints have been made with regard to a CCTV camera situated on the rear of the dwelling, however this does not require planning permission.

Policy Context

Planning decisions should be made in accordance with the Local Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) does not change the statutory status of the Local Plan as the starting point for decision making. The Local Authority (LPA) has also adopted a series of Supplementary Planning Documents (SPD) and Supplementary Planning Guidance Notes, which are other material considerations.

Local Plan Allocation – Urban Fabric

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise and the recently revised NPPF does not change the statutory status of the development plan as the starting point for decision making.

The Barnsley Local Plan (BLP) was adopted at the full Council meeting held 3rd 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 the decision-making process as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in 2000) and the Core Strategy (adopted in 2011). In reference to this application, the following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

Policy GD1: General Development – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

Policy D1: High quality design and place making – Supersedes Core Strategy Policy CSP 29 and sets out the overarching design principles for the borough. Policy D1 States that development is expected to be of high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley.

Policy T4: New Development and Highway Improvement – 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 Document: House extensions and Other Domestic Alterations

This document establishes the design principles that specifically apply to the consideration of planning applications for house extensions, roof alterations, outbuildings & other domestic alterations. The general principles are that proposals should;

- Be of a scale and design which harmonises with the existing building;
- Not adversely affect the amenity of neighbouring properties;
- Maintain the character of the street scene; and
- Not interfere with highway safety

The above principles are to reflect the revised principles in the NPPF, which promote high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Supplementary Planning Document: Walls and Fences

This document establishes the design principles that specifically apply to the consideration of planning applications for walls and fences, whilst also providing guidance for what can be erected without planning permission. Some key points raised in relation to this application are;

- The design, the materials used and the height of the wall or fence should relate to the character of the area in which you live or work; and
- Particular care should be taken on site frontages, in other visually prominent locations, or in sensitive settings (close to listed buildings for example)

Where the erection of a wall or fence does require permission, the main issues are likely to be; the design, appearance and materials, highway safety and the impact on neighbours.

National Planning Policy Framework

The NPPF sets out the Government's planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the Local Plan should be approved unless material considerations indicate otherwise. Where a Local Plan is absent 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.

This is assessed against the policies in the NPPF as a whole; or where specific policies in the NPPF indicate development should be restricted or material considerations indicate otherwise.

In respect of this application, relevant policies include;

Section 12: Achieving well designed places - The Government attaches great importance to the design of the built environment. 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. It is important to plan positively for the inclusion of high-quality design for all developments, including individual buildings, public and private spaces and wider area development schemes.

Within section 12, paragraph 134 states that *“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”*.

Consultations

Highways – Object to the application on the grounds of highway and pedestrian safety.

Drainage – No objection

Tree Officer – No comments received

Enforcement – No comments received

Ward Councillors – Councillor's Stowe and Shepherd have objected to the application and have provided the following comments:-

'I am totally opposed to this application for change of use because the land that has been annexed is public green space and has been looked after by the local residents of Tingle Crescent for many years. I have been contacted by residents of Tingle Crescent who report the original planting that they had set out was ripped out and a fence put in place without planning permission or any consultation whatsoever. I am of the view that this is tantamount to a public space land grab and retrospective planning permission should not be given. Already a gate for access has been put in where there was no access to the Crescent before and I suspect that is to accommodate a number of vehicles that are now parked on the applicants drive on Ladycroft and would be a serious change to the settled community of Tingle Crescent.

I reiterate I am totally opposed this land grab because it does not fit in with the layout of the land and encroaches on the area that has been there for over 40 years.'

'I would add that the work was asked to be stopped by planning officers earlier in the process, I am lead to believe that this was ignored.'

Representations

4 objections have been received which raise the following concerns:-

- The fence and structures do not have planning permission
- Loss of shrubs and blubs planted by Tingle Bridge residents
- Loss of community green space
- The gate allows access to number 53 Lady Croft and potential the use of the crescent to park numerous vehicles and work lorry which could cause increased traffic, parking issues and blocking of accesses on Tingle Bridge Crescent
- Concerns regarding blocking of accesses and reversing vehicles close to the gate and potential conflict with pedestrians
- The Oak Tree has a preservation order on it
- The 2 metre fence is set close to the front aspect of properties on Tingle Bridge Crescent
- A garden building has already been erected inches from the fence – concerns regarding its use as an outside bar metres from bedroom windows
- CCTV has been erected and overlooks the properties on Tingle Bridge Crescent
- Work continues on site with the erection of an outbuilding

Other issues raised which are not planning related relate to intimidating/threatening behaviour and damage to property/land

Assessment

Principle of development

The site falls within urban fabric which has no specific land allocation. Extensions/alterations 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.

Visual Amenity

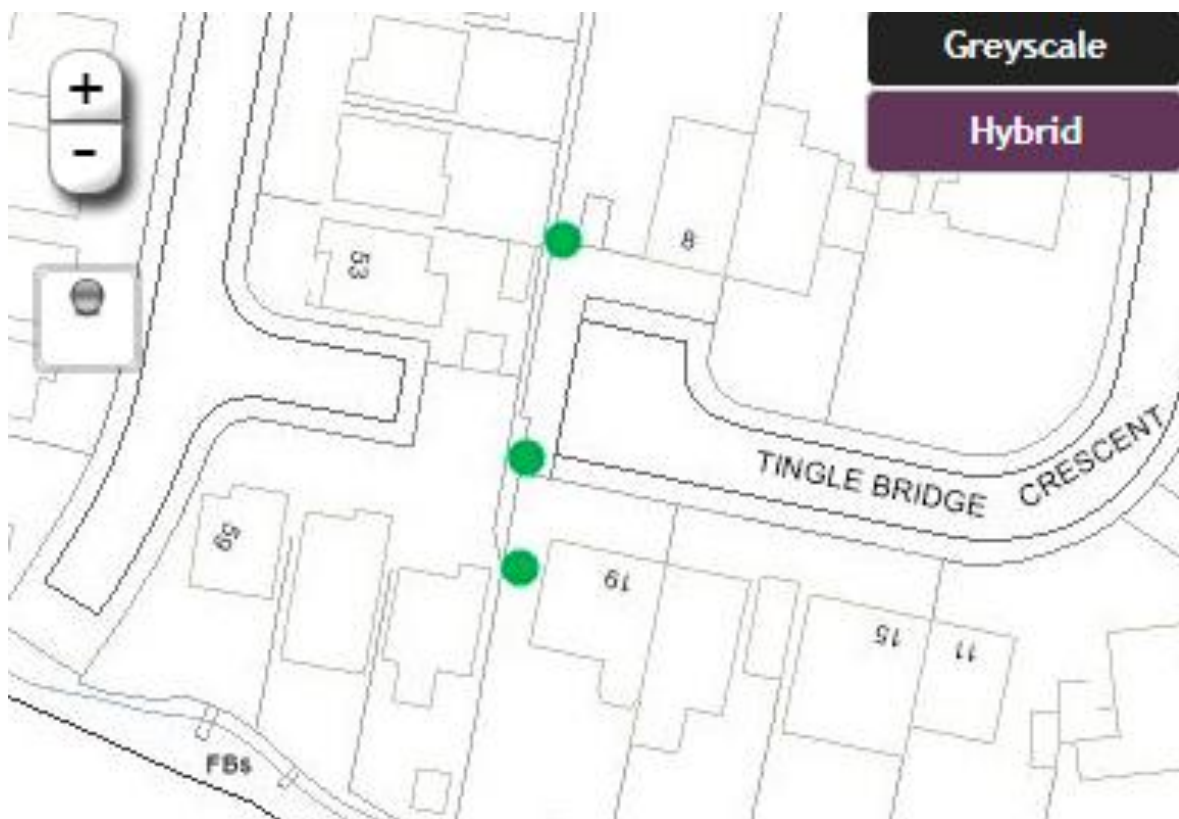
The main issue to consider for assessing this application regarding visual amenity is the impact the proposal would have on the character of the street scene. The proposed fence and land are positioned within a visually prominent location at the head of the cul-de-sac of Tingle Bridge Crescent. The grass verge to the head of the cu-de-sac of Tingle Bridge Crescent provided a green area and contributed to the sense of openness and landscaping within the street scene. Tingle Bridge Crescent is a cul-de-sac of semi-detached bungalows with the

properties to the north having fairly spacious green gardens to the front. The frontage of the dwellings within the cul-de-sac is open plan with only low fencing/walls to the front. The erection of the high 1.8m fencing/gate on this area of grass verge and forward of the permitted rear garden boundary line of the properties on Lady Croft Lane, appears wholly at odds with the spacious and open nature of the street scene and the loss of this area of green grass verge is considered detrimental to the street scene.

The loss of this open area of land and the 1.8m fence is considered unacceptable in this location and out of character with the street scene of Tingle Bridge Crescent. It is considered to be contrary to Local Plan Policy D1: High Quality Design and Place Making and as a result is unacceptable in terms of visual amenity.

Impact on Trees

As can be seen on the plan below, there is an Oak and an Ash Tree situated close to the site which are protected by Tree Preservation Orders. The Tree Officer has not commented on the application, however the trees are set a reasonable distance from the fence and do not appear to have been significantly impacted by the fence.



Residential Amenity

In terms of the impact of the development upon residential amenity, concerns have been raised with regard to potential noise/disturbance from the use of the summer house. Whilst it is set closer to the properties on Tingle Bridge Crescent, the summer house is a small structure and could be sited within the applicant's existing garden area and would be no different to any other sheds/outbuildings within the gardens of the properties on Lady Croft Lane. Its use as a

potential bar for ancillary residential purposes would not be a concern if the outbuilding was sited within the applicants approved garden area. Whilst the fence is located close to the frontage of number 8, it is not set directly in front of the windows to this dwelling and is not considered to cause any significant overbearing impact or loss of light.

Highway Safety

The Highways Officer has been consulted and has objected to the application. The new rear garden boundary has been erected within the grass verge adjacent to the turning head of the cul-de-sac Tingle Bridge Crescent. The new boundary includes a gate and whilst there is no vehicular access into the garden, the gate provides pedestrian access on to the carriageway within the turning head. The gate opens directly onto the highway and there is no footway provision to this access which is set within close proximity to the driveway and accessed to number 8 and 9 Tingle Bridge Crescent. As a result of this access there is significant potential for conflict between vehicles and pedestrians, particularly vehicles reversing and exiting the driveways of either of the two end properties on Tingle Bridge Crescent (numbers 8 and 19) and the drivers of said vehicles could not be expected to be able to see a pedestrian emerging from the gateway.

Concerns have been raised with regard to potential parking on the highway however there is no vehicular access to the applicant's property and there are no parking restrictions on this part of the highway.

For the above reasons the application is considered unacceptable from a highways perspective as they are prejudicial to highway and pedestrian safety contrary to Policy T4 of the Local Plan.

Inaccuracies of the application

The submitted site plan does not appear accurate when seen on site, however this application is retrospective and the development has already completed.

In addition, in terms of the ownership of the land, the applicant states that the land unregistered with the Land Registry. The applicant checked Certificate B on the application but has not included any details of the known owners of the site. For the agricultural holding certificate, the applicant has also ticked that 'the applicant is the sole owner of all the land or buildings to which this application relates and there are no other owners* and/or agricultural tenants.' Therefore, it is not clear who is the owner of the site.

Site Plan 53, Lady Croft Lane, Hemingfield, Barnsley, S73 0QP



Recommendation

Refuse and instruct enforcement action