

Application Reference: 2025/0143

Location: 22 Windhill Drive, Staincross, Barnsley, S75 5BL.

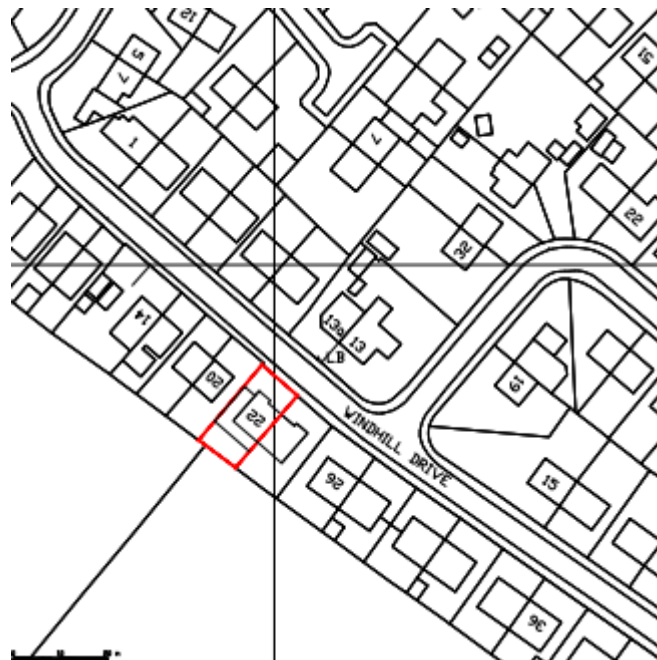
Introduction

This application seeks planning permission for the erection of a wrap-around extension comprising a two-storey side extension with a first floor Juliet balcony to the rear and single storey rear extension adjoining an existing single storey rear extension with a new mono pitched roof. The proposal shows that a larger driveway would also be created to the front.

Relevant Site Characteristics

This application relates to a relatively small plot located on the south side of Windhill Avenue and in an area that is principally residential which is characterised by semi-detached bungalows and two-storey dwellings of varying scale and appearance. To the south is agricultural land. The topography of the area falls gently south-east to north-west, resulting in 20 Windhill Drive being set down from the application property. Staggered ridge heights continue to be a feature within the street scene to the north-west.

The application property is a two-storey semi-detached dwelling constructed of brick with a grey tiled pitched roof and an entrance canopy and gable projection with first floor rendering to the front. There is an existing single storey extension and detached outbuilding to the rear. The property is fronted by soft landscaping and a driveway. The driveway extends along the side of the property and there is a small garden to the rear. The site is bounded by timber fencing of varying heights and a metal rail fence to the front.



Site History

There is one previous planning application associated with the development site.

2014/0264	Erection of 2 semi-detached dwellings.	Approved.
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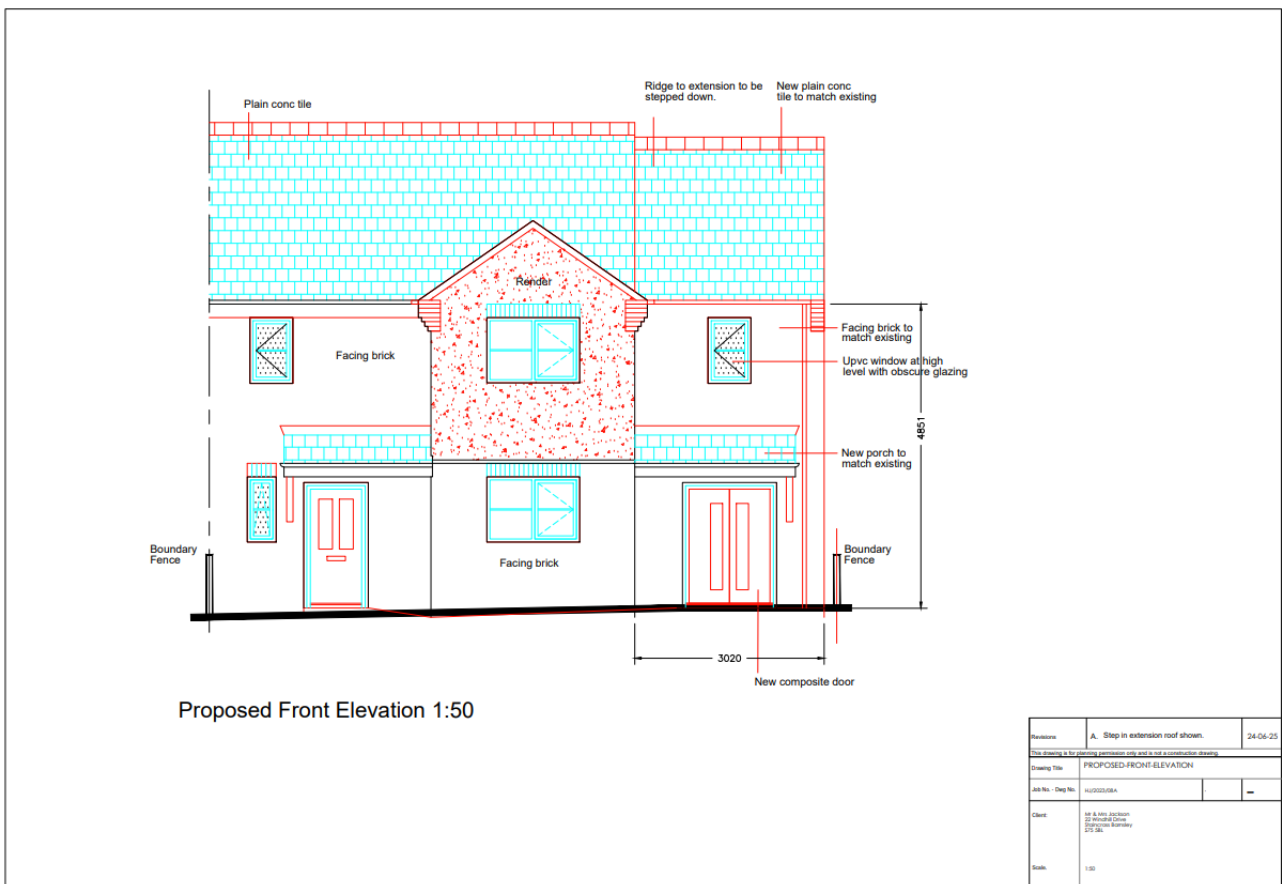
Detailed Description of Proposed Works

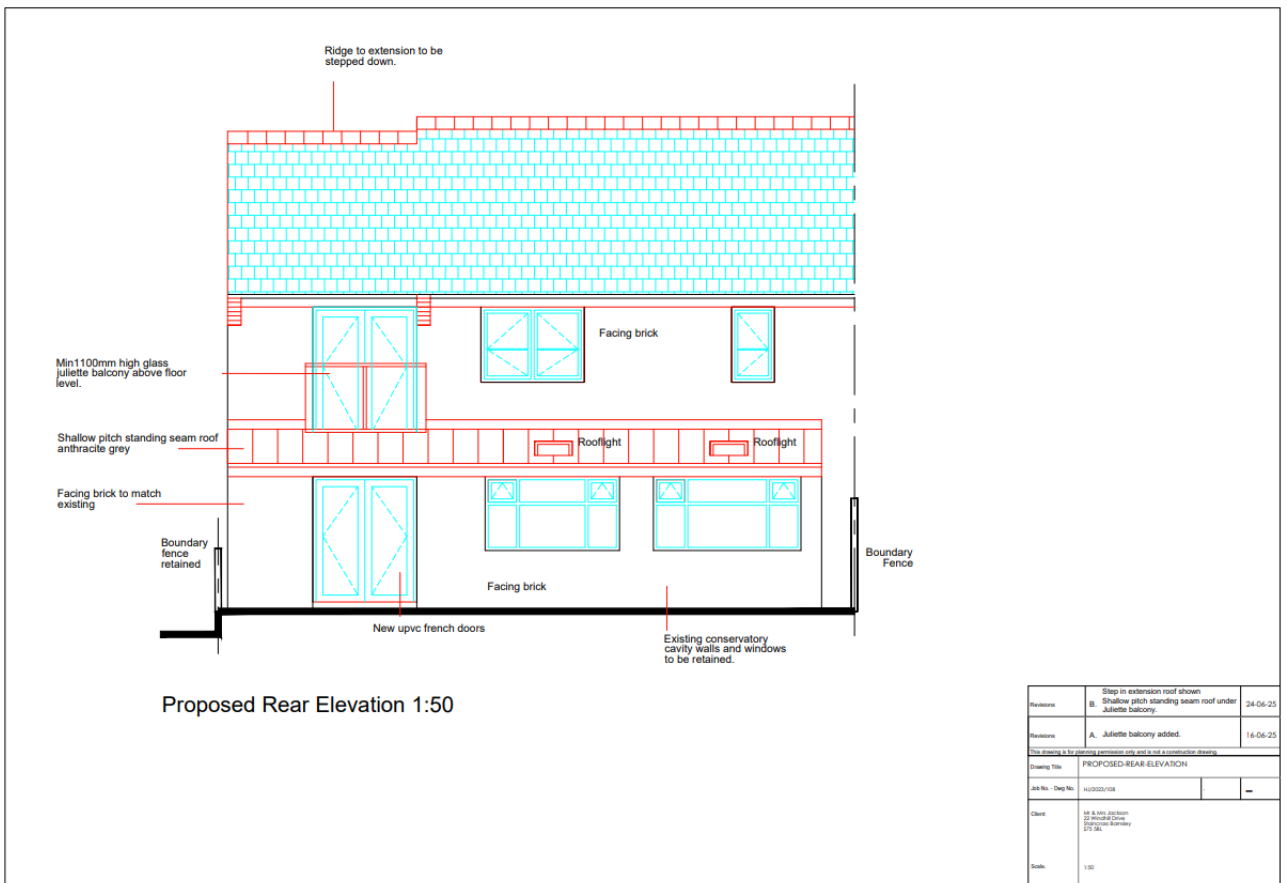
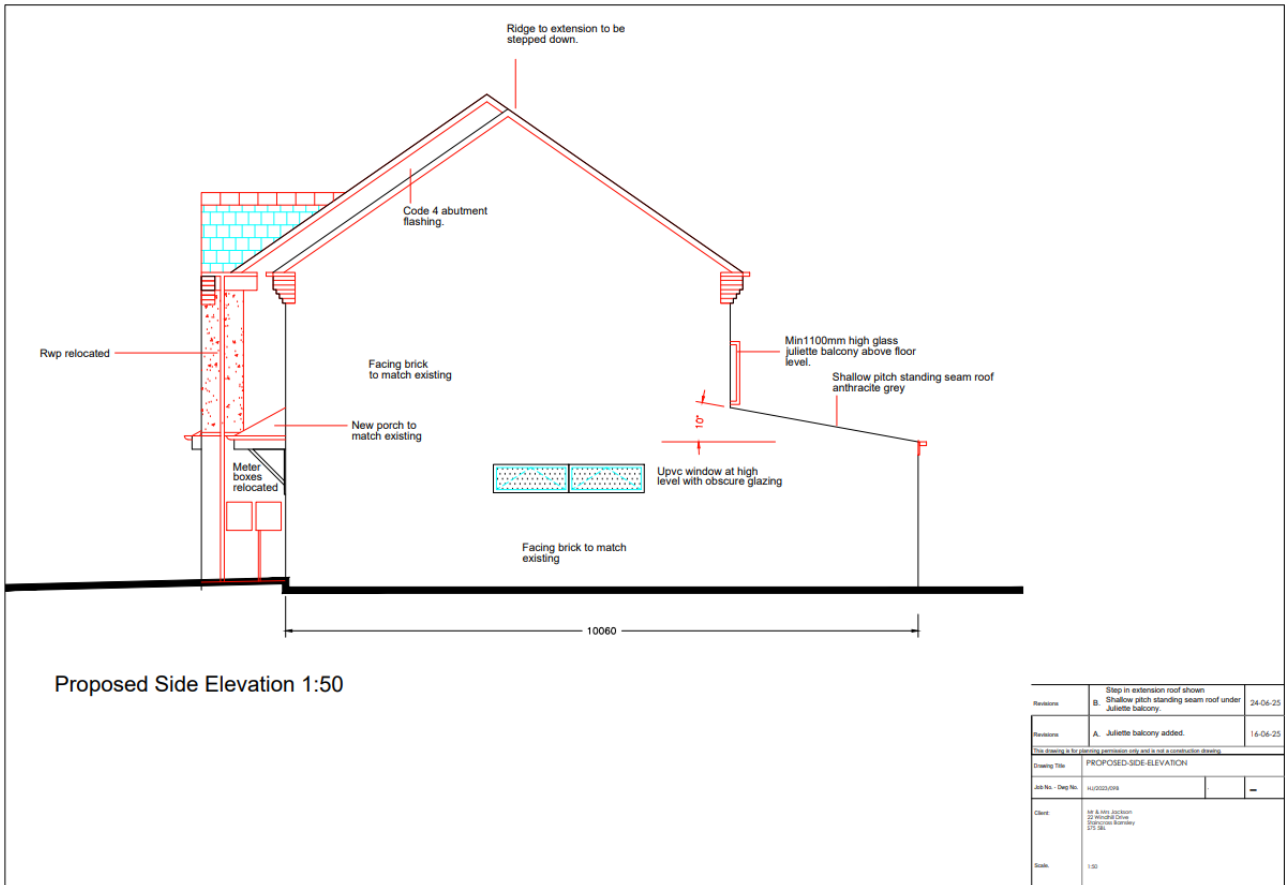
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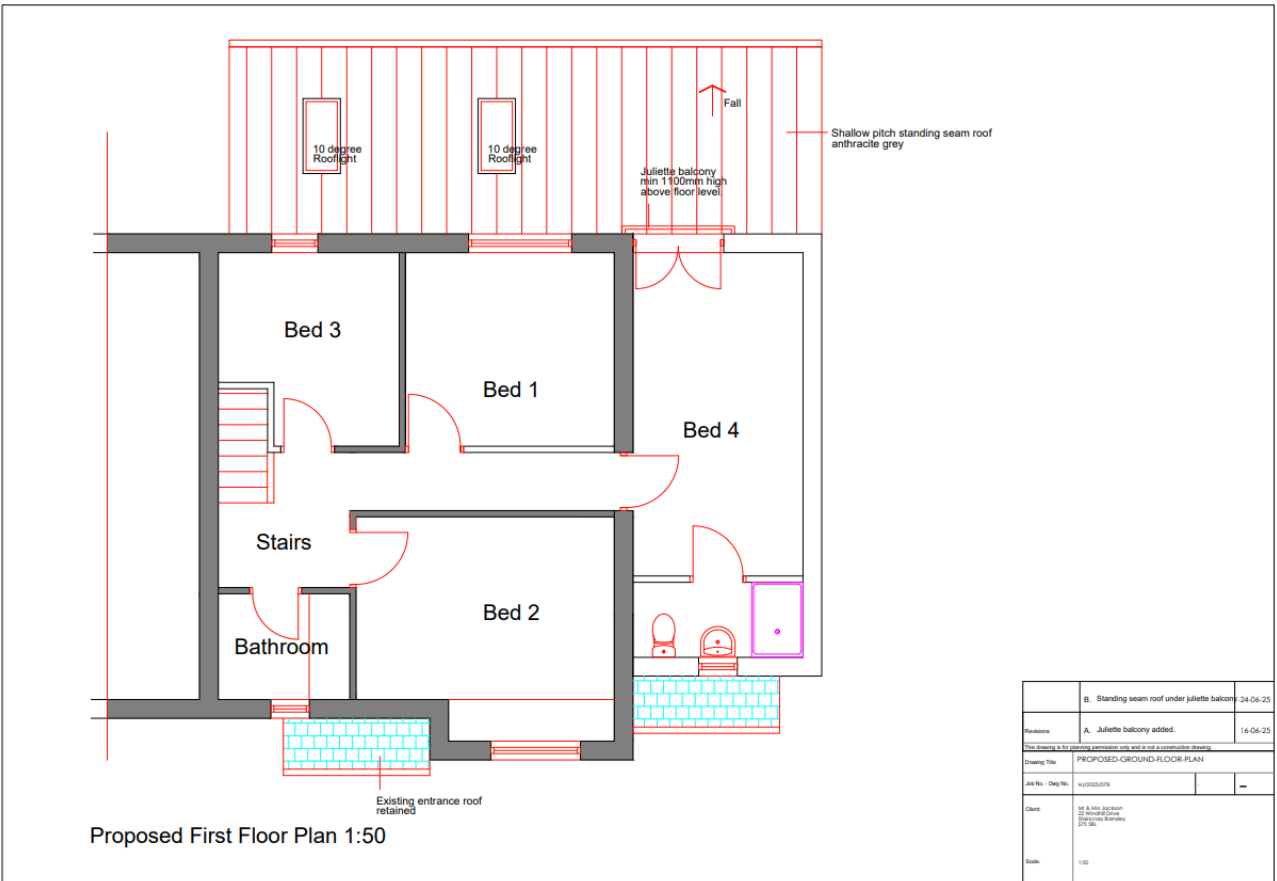
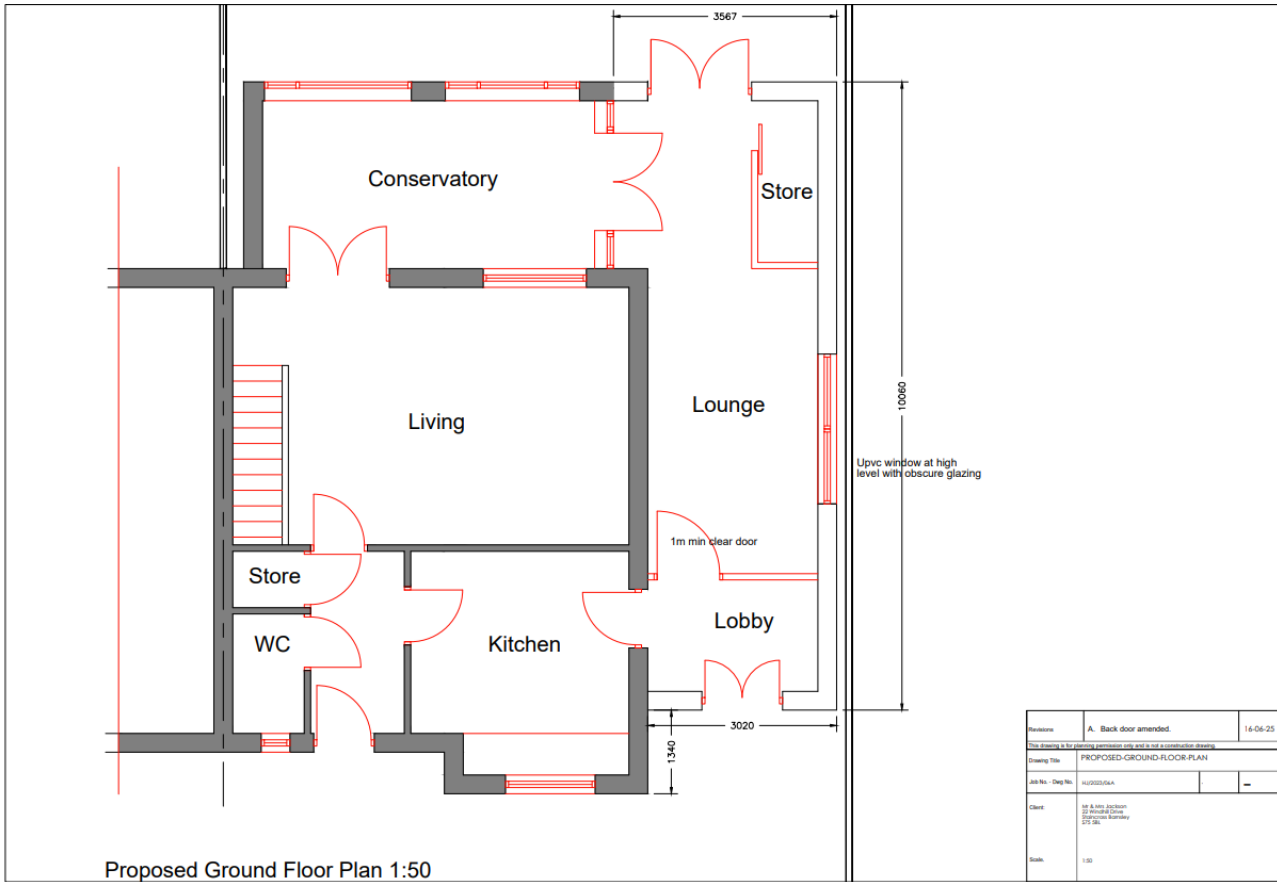
The proposed single storey extension would measure approximately 3 metres (L) x 3.5 metres (W) x 2.8 metres (H). This extension would adopt a mono pitch roof and would be constructed of closely matching external materials. The roof would be standing seam in anthracite grey.

The proposed two-storey extension would measure approximately 7 metres (L) x 3 metres (W) x 7.5 metres (H). This extension would adopt a pitched roof and would be constructed of matching external materials.

During the application process, the proposal was amended to remove a first-floor balcony to the rear and replacing it with a Juliet balcony. The eaves of the two-storey side extension were also reduced to the existing eaves height and provide a set down from the existing ridge.







Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

The Local Plan review was approved at a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on 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, which is due to take place in 2027, or earlier, if circumstances require it.

The development site is allocated as urban fabric within the adopted Local Plan which has no specific allocation. The following Local Plan policies are relevant in this case:

- *Policy SD1: Presumption in favour of Sustainable Development.*
- *Policy GD1: General Development.*
- *Policy POLL1: Pollution Control and Protection.*
- *Policy D1: High quality design and place making.*
- *Policy T4: New Development and Transport Safety.*

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, the Government published a revised NPPF which is the most recent revision of the original Framework, first published in 2012 and updated several times, providing the overarching planning framework for England. The NPPF sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). There are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The following NPPF sections are relevant in this case:

- *Section 2: Achieving sustainable development.*
- *Section 4: Decision-making.*
- *Section 12: Achieving well designed places.*

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take this guidance into account when taking decisions.

Supplementary Planning Guidance

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty-eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The following SPDs are relevant in this case:

- *House extensions and other domestic alterations (Adopted March 2024).*
- *Parking (Adopted November 2019).*

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

Consultations

This planning application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended).

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website. One objection was received. The concerns raised are summarised as follows:

- Loss of views from side windows;
- Loss of natural light;
- Loss of privacy to side window serving bedroom if scaffolding is required;
- Debris and rubbish falling into the garden; and
- Increased on-street parking during works, including from workers and deliveries.

Highways Development Control	<i>No objections subject to conditions.</i>
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Planning Assessment

For the purposes of considering the balance in this application, the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of Development

Extensions and alterations to a dwelling are acceptable in principle if the development would remain subservient and would be of a scale and design which would be appropriate to the host property and would not be detrimental to the amenity afforded to adjacent properties, including visual amenity and highway safety.

Impact on Neighbouring Amenity

During the application process, concerns were raised regarding loss of natural light, loss of privacy and loss of views.

The proposed extensions would be erected to the south-east of 20 Windhill Drive and therefore, it is acknowledged that some overshadowing could occur. However, any potential impact would likely be limited to the side elevation of the neighbouring property which is likely to experience some existing level of impact due to the location of the application property to the south-east. In addition, secondary windows on side elevations of adjacent dwellings are not afforded the same protections as principal habitable room windows on the front and rear elevations of adjacent dwellings. A secondary window services halls, stairs, utility rooms, toilets and bathrooms and en-suites. The representation received confirms that at least two of the neighbouring windows are secondary windows. It is also stated that one first-floor window serves a bedroom. However, the size of the windows suggests it is also likely to have a secondary nature with the bedroom also likely serviced by existing larger windows on the

front or rear elevations of the adjacent neighbouring property. The neighbouring property is also set away from the party boundary line which could lessen the extent of any potential impact. A boundary fence could also be erected to two-metres-high along this boundary under permitted development rights, if required, which could provide further mitigation.

An existing single storey extension to the rear of the application property and located adjacent to the southern party boundary would be retained. Whilst a new roof would be erected to this extension, it is not considered that this would materially affect the amenity of the occupants of 24 Windhill Avenue by way of significant increased overshadowing, especially as it would adopt a restrained height and shallow pitch.

Regarding overlooking and loss of privacy, a new first-floor window and Juliet balcony would be on the front and rear elevations of the proposed two-storey side extension which would maintain existing separation distances to the front and rear and would not give rise to significant increased overlooking and loss of privacy. New ground level windows would be on the side elevation of the proposed two-storey side extension. However, these windows would be positioned high on the wall and obscure glazed and would also face secondary windows on the side elevation of 20 Windhill Drive. Secondary windows on side elevations of adjacent dwellings are not afforded the same protections as principal habitable room windows on the front and rear elevations of adjacent dwellings.

Whilst concerns have been raised regarding the loss of privacy to a first-floor side bedroom window due to potential overlooking caused by any scaffolding that may be required, any potential impact is anticipated to be temporary and would not result in any permanent significant increased overlooking or loss of privacy. As such, it is not considered that the amenity of neighbouring occupants would be significantly adversely affected.

Additionally, whilst 20 Windhill Drive is set down from the application property, the difference is not significant and is therefore unlikely to contribute to significant overlooking and loss of privacy, nor would the proposed extension appear overbearing.

Moreover, a single storey side extension could be erected under permitted development rights if the relevant criteria and conditions were met without a requirement to obtain planning permission. Such an extension would also likely impact the side windows of 20 Windhill Drive. Any potential impact that may arise from an extension erected under permitted development rights could not be controlled by the LPA, and in any case, the Council does not afford the same protections to secondary windows on side elevations as is afforded to principal habitable room windows on the front and rear elevations of neighbouring properties.

Regarding outlook, the proposal could contribute to reduced levels of outlook from windows located on the side elevation of 20 Windhill Avenue. However, secondary windows located on side elevations of adjacent dwellings are not afforded the same protections as principal habitable room windows on the front and rear elevations of adjacent dwellings, and whilst the representation received indicates that one of the neighbouring side windows serves a bedroom, their size suggest that it is also likely to be secondary in nature, and the bedroom may also be served by existing larger windows located on the front or rear elevations of the neighbouring property. Therefore, it is not considered that the amenity of neighbouring occupants would be significantly adversely affected.

Whilst concerns have been raised regarding the loss of views from the neighbouring side windows, this is not a material planning consideration because there is no legal right to a view, and therefore no weight is attributed to this concern.

Concerns were also raised because of the potential for debris and rubbish to fall into neighbouring gardens. It is the shared responsibility of the applicant and anyone else who may be working on-site to maintain its cleanliness and tidiness. If issues materialise, they should aim to be resolved amicably between all parties. However, should issues persist, the Council may seek to pursue enforcement action, if considered necessary.

Considering the above, the proposed development is not considered to result in significant increased overshadowing, overlooking and loss of privacy or reduced outlook which is therefore considered to weigh significantly in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy GD1: General Development and Local Plan Policy POLL1: Pollution Control and Protection and is considered acceptable regarding residential amenity.

Scale, Design and Impact on Character

During the application process, the proposal was amended to remove a first-floor balcony to the rear and replacing it with a Juliet balcony. The eaves of the two-storey side extension were also reduced to the existing eaves height and provide a set down from the existing ridge.

The proposed two-storey side extension would not adopt an excessive sideways projection of more than two thirds the width of the original dwelling, would adopt a set down from the existing ridge and a set back from the front elevation of the original property, and would also adopt a sympathetic form and features, including a pitched roof and matching external materials, ensuring that the proposal would appear subservient and respectful of the existing character, in accordance with the adopted House extensions and other domestic alterations SDP.

The proposed single storey extension would also adopt a sympathetic form and features, including a modest rearward projection and restrained height, a sympathetic roof type and matching external materials. The roof would be standing seam in anthracite grey which would not significantly alter or detract from the character of the original property.

Considering the above, the proposed development is not considered to significantly alter or detract from the character of the street scene or the original property which is therefore considered to weigh significantly in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy D1: High Quality Design and Placemaking and is considered acceptable regarding visual amenity.

Impact on Highways

During the application process, concerns were raised in relation to increased on-street parking from the occupants, visitors and any workers and deliveries for the duration of any potential works.

It is acknowledged that the proposed development could result in some increased on-street parking, vehicular movements and volumes within the locality. However, any potential increase is anticipated to be temporary and would not result in an unacceptable severe impact on the road network.

The proposal includes provisions for an increased parking area to the front of the application property that could accommodate a minimum of two off-street parking spaces within the application curtilage, in accordance with the Parking SPD. Also, Highways Development Control were consulted, and no objections were received subject to conditions.

Considering the above, this is considered to weigh moderately in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy T4: New Development and Transport Safety and is considered acceptable regarding highway safety.

Planning Balance and Conclusion

In accordance with the provisions of paragraph 11 of the NPPF(2024), the proposal is considered in the context of the presumption in favour of sustainable development and therefore, for the reasons

given above, and taking all other matters into consideration, the proposal complies with the relevant local and national planning policies and guidance and planning permission should be granted subject to necessary conditions.

RECOMMENDATION: Approve subject to conditions.

Justification

Statement of compliance with Article 35 of the Town and Country Development Management Procedure Order 2015.

In dealing with this application, the local planning authority (LPA) has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- Remove a first-floor balcony due to concerns regarding overlooking and loss of privacy.
- Reduce the eaves height of the two-storey side extension to maintain the existing eaves height and provide a set down from the existing ridge.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering representations, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

Conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out strictly in accordance with the amended plans:

HJ/2023/06A Proposed Ground Floor Plan Rev. A received 16th June 2025

HJ/2023/07B Proposed First Floor Plan Rev. B received 24th June 2025

HJ/2023/08A Proposed Front Elevation Rev. A received 24th June 2025

HJ/2023/09B Proposed Side Elevation Rev. B received 24th June 2025

HJ/2023/10B Proposed Rear Elevation Rev. B received 24th June 2025

HJ/2023/11C Proposed Side Elevations Rev. C received 16th June 2025

HJ/2023/13A Proposed Site Plan Rev. A received 16th June 2025

HJ/2023/14 Location Plan

and specifications as approved unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

3. The external materials shall match those used in the existing building and those specified by the approved documents listed above.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

4. The proposed ground floor windows on the north-west side elevation of the proposed two-storey side extension shall at all times be obscure glazed and retained as such thereafter.

Reason: To safeguard the amenities of the occupant(s) of the adjacent neighbouring property and in accordance with Local Plan Policy GD1 General Development.

5. The parking facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times. Adequate measures shall be so designed into the proposed vehicular areas to avoid the discharge of surface water from the site on to the highway.

Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard; to ensure adequate provision for the disposal of surface water and to prevent mud/debris from being deposited on the public highway and to prevent the migration of loose material on to the public highway to the detriment of road safety and in accordance with Local Plan Policy T4 New Development and Transport Safety.

6. The parking facility hereby permitted shall not be brought into use until pedestrian visibility splays of 2m x 2m to the back edge of the footway have been provided at the proposed access. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.6m to the rear of the footway which would obstruct the visibility splays. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

Reason: To ensure drivers have clear and unrestricted views of approaching pedestrians when pulling out onto the public highway, in the interest of highway safety and in accordance with Local Plan Policy T4 New Development and Transport Safety.

Informative(s):

7. The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

8. The development hereby approved includes the creation of/carrying out of alterations to vehicular access(es). You are advised that before undertaking work on the adopted highway you will require a Section 184 licence from the Highway Authority. The works shall be to the specification and constructed to the satisfaction of the Highway Authority. Fees are payable for the approval of the highway details, and inspection of the works. Further information and an application form are available on the BMBC website at <https://www.barnsley.gov.uk/services/roads-travel-and-parking/parking/dropped-kerbs/> or please contact at email Streetworks@barnsley.gov.uk or call to 01226 773555.
9. The applicant/contractor should note that to deposit mud/debris on the public highway, or anything which may cause a nuisance or possible danger to road users, is an offence under provisions of the Highways Act 1980.
10. The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at: Building on or within the influencing distance of mine entries - GOV.UK

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property What is a permit and how to get one? - GOV.UK (www.gov.uk)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here -

<https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK