

Application Reference: 2026/0362

Site Address: 4 Hazelwood, Smithies, Barnsley, S71 2GE

Introduction:

This application seeks retrospective planning permission for the erection of a single storey rear extension to the north-western elevation of the original dwelling, attached to the south-western side elevation of the approved extension, and alterations to rear garden levels.

Relevant Site Characteristics

The application relates to a detached, brick built, pitched roof, two-storey dwelling located close to the junction of Hazelwood with Rotherham Road.

The surrounding area is characterised by predominantly two-story residential properties of varying designs and materials. To the rear of the site lies a block of flats on Bellmer Close, which is accessed from Hazelwood.

The site and surrounding area are affected by changes in topography, with varying land levels across both the application site and neighbouring properties. Hazelwood slopes from east to west, falling from its junction with Rotherham Road to beyond the side elevation of No. 6 Hazelwood. There is also a gradient across the application site from south to north.

As a result, No. 4 Hazelwood sits approximately 1 metre higher than No. 6 at the front elevation. However, due to the opposing slope to the rear, the garden areas of both properties were understood to have been level prior to development. A small, raised patio previously existed at the rear of the dwelling to provide level access from the house into the garden.

Planning permission 2024/0868 has been granted for a single-storey rear extension measuring 5m by 5m. The approved extension projects 5m from the rear elevation and spans 5m in width, with an eaves height of 2.3m and a ridge height of 3.2m. The extension was approved to be constructed in matching materials and with a hipped roof, and this development has commenced and is nearing completion. During construction, excavated material appears to have been deposited within the rear garden, resulting in an increase in ground levels. Additionally, construction materials, including guttering and lintels, have been stored or disposed of within the garden area.



Site History

Application Reference	Description	Status (Approved/Refused)
2024/0868	Erection of single storey rear extension to dwelling	Approved November 2024

Plans as approved by 2024/0868

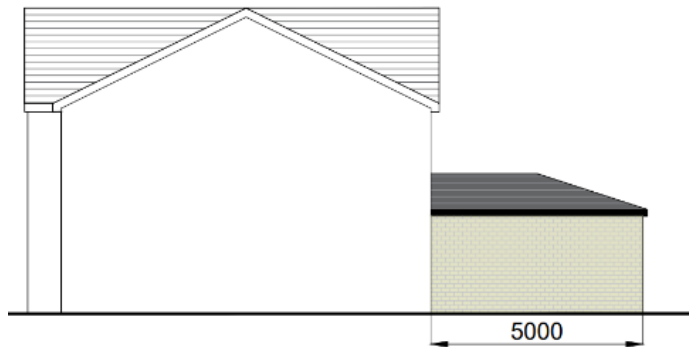


Figure 1 North-eastern side elevation as approved



Figure 2 North-western rear elevation as approved



Figure 3 South-western side elevation as approved



Figure 4 Site Plan as approved

During the construction of the approved extension, the applicant altered the design to increase its width by a further 3m towards the south-western side boundary, resulting in an overall width of 8m.

The unauthorised extension has been constructed with a lean-to roof with an eaves height of 2.5m. It projects 5m from the rear elevation of the original dwelling, consistent with the approved scheme.

The unauthorised works have been integrated with the approved extension to form a single enlarged room at the rear of the property albeit the roof design is different to the approved extension. This application seeks retrospective permission for the unauthorised extension.

Description of Proposed Works

The applicant seeks retrospective planning permission for the retention of an unauthorised extension measuring 3m by 5m, with a height of 2.5m, attached to the south-western side of the approved extension. It also seeks consent for the regrading of the rear garden and the erection of a 1.8m high timber fence.

Plans under consideration



Figure 5 North-western rear elevation as built

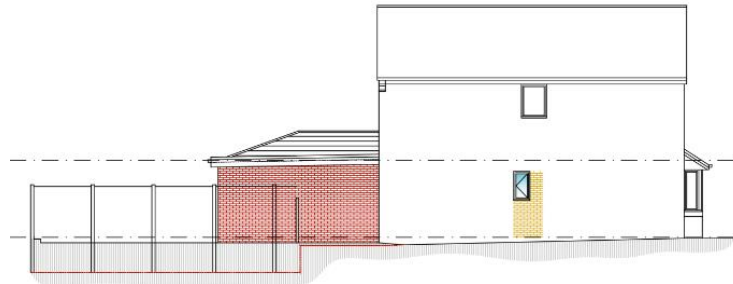


Figure 6 South-western side elevation as built/proposed

Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires 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 the full Council meeting held 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.

The following Local Plan policies are relevant in this case:

- Policy SD1: Presumption in favour of Sustainable Development.
- Policy D1: High Quality Design and Place Making.
- Policy GD1: General Development.
- 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 National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It 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. This 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 which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The most relevant sections are:

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 it 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 most pertinent SPD's in this case are:

- House extensions and Other Domestic Alterations
- Parking

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

Consultations

South Yorkshire Mining Advisory Service – no objections, mining legacy to be dealt with through Building Control

Ward Councillors –
Councillor Green

- Impact on the amenity of neighbours
- Significant enlargement of property
- Proximity to boundary
- Overshadowing
- Overbearing
- Drainage
- Subject to enforcement action

Councillor Newing

- Overlooking
- Loss of privacy
- Oversized – same footprint as the house
- Overshadowing
- Noise and disturbance
- Subject to enforcement action
- Drainage
- Breach of D.P.C

Representations

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

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website; objections have been received from one address with comments made in relation to the following material considerations:

- Poor design and changes to design
- Impact on residential amenity – dominant, oppressive, overbearing, loss of outlook, and overshadowing and loss of privacy
- Increase in garden levels and boundary treatment – reduce levels of outlook and have an overbearing impact
- Failure to comply with 45 and 25 degree policy
- Hours of construction – noise
- Fails to comply with Policy CC4

Comments have also been made in relation to the following non-material planning considerations. Whilst noted, non-material comments cannot be taken into consideration as part of the application.

- Failure to build in accordance with the plans
- Lack of notification under Party Wall Act
- Damage to boundary wall and concerns regarding stability
- Concerns regarding fire safety
- Poor workmanship
- Mining legacy and gas membranes
- Blocking manholes
- Quality of materials to raise land levels
- Drainage – flooding of neighbouring property
- Lack of technical detail in relation to the retaining wall
- Subject to enforcement proceedings and Barnsley Enforcement Policy
- Timeframe of completion

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 unless the NPPF establishes a specific weight:

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

Principle

The site falls within Urban Fabric where extensions and alterations to a domestic property are acceptable in principle provided that they remain subsidiary to the host dwelling, are of a scale and design which is appropriate to the host property and are not detrimental to the amenity afforded to adjacent properties.

Design and Impact on Visual Amenity

Chapter 12 of the NPPF emphasises the creation of high quality, beautiful and sustainable buildings and places and that good design is a key aspect of sustainable development:

Paragraph 135 states that planning policies and decisions should ensure that developments:

- a) will function and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 139 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. 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 Supplementary Planning Document (SPD) for House Extensions and Other Domestic Alterations states that proposals for house extensions, roof alterations, outbuildings and other domestic alterations, should be of a scale and design which harmonises with the existing building and be subordinate; not adversely affect the amenity of neighbouring properties; maintain the character of the street scene and not interfere with highway safety.

It also states that unsympathetic additions destroy the character of a house and notes that flat roofs are considered an ugly and an inferior form of construction which cause an awkward junction with pitched roofs.

The original extension approved under application 2024/0868 with a hipped roof is considered to relate sympathetically to the host dwelling and the surrounding area. In contrast, the unauthorised extension with a lean-to roof appears as a later addition, with limited regard to the overall design. The relationship between the approved and unauthorised elements results in an awkward roof junction and an incongruous overall form, which detracts from the character and appearance of the property.

Furthermore, the fenestration of the unauthorised extension fails to reflect the proportions, positioning, and materials of the host dwelling, resulting in a lack of visual cohesion.

Comments have been made in relation to the size of the extension; it is acknowledged that cumulative floor area of the approved and unauthorised extensions totals 40m², however this only represents 24% of the total floor area of the dwelling and as such is not considered a significant enlargement of the property given that an extension of 32m² could be erected under permitted development.

Although the extension is located to the rear, it is visible from public vantage points.

Overall, design is considered to be poor and not in conformity with the adopted SPD House Extensions and Other Domestic Alterations, and the visual impact of the development is considered to result in harm to the character and appearance of the area, contrary to Local Plan Policy D1 and paragraphs 135 and 139 of the NPPF. This carries significant weight against the application.

Impact on Neighbouring Amenity

The Supplementary Planning Document for House Extensions and Other Domestic Alterations states that proposals for house extensions, roof alterations, outbuildings and other domestic alterations should be of a scale and design which harmonises with the existing building and be subordinate; not adversely affect the amenity of neighbouring properties; maintain the character of the street scene and not interfere with highway safety.

This application seeks retrospective permission for the retention of an unauthorised single-storey rear extension and the regrading of the rear garden, and the erection of 1.8m boundary fencing.

Objections have been received raising concerns in respect of overshadowing, loss of outlook, overbearing impact, and overlooking in relation to the unauthorised extension and the regrading of the rear garden. These matters are considered separately below.

Rear Extension

The unauthorised single-storey extension is located on the north-western rear elevation of the dwelling and is attached to the south-western side of the approved extension. It lies to the south-west of No. 2 Hazelwood; however, it remains within the established building line formed by the approved extension and the neighbouring detached garage. As such, it is not considered to result in increased overshadowing, loss of outlook, or overlooking to this property.

Comments have been made in relation to the overshadowing, loss of outlook and the overbearing impact of the extension on 6 Hazelwood. The extension is located to the north-east of this property and as such would not lead to an increase in overshadowing due to the extension's orientation in relation to the path of the sun.

As mentioned previously, there is an existing level difference between the application site and No. 6, with the neighbouring property sitting approximately 1m lower than the application site where the unauthorised extension meets the original dwelling. The extension incorporates a lean-to roof with an eaves height of 2.5m, which reduces its overall mass and limits its impact. Furthermore, No. 6 is set back by approximately 1m relative to the application property, which further mitigates potential impacts.

The adopted SPD states that to ensure that there is no unacceptable loss of daylight and to avoid an overbearing relationship with neighbouring properties, particularly adjoining ones, a 45 degree rule shall be applied.

The 45 degree rule is a general test that will be applied as a guide to what will be acceptable for extensions to dwellings, and is applied to assess the impact of an extension on sunlight/daylight reaching neighbouring properties. The 45 degree test is applied to the nearest window of any adjacent residential accommodation which light a habitable room. To comply with the rule any extension should not intersect the 45 degree line when taken from the mid-point of the nearest window of the potentially affected property.

In this instance the unauthorised extension as built does not intersect the 45 degree quadrant and as such is not considered to lead to a loss of outlook, or have an overbearing impact, or reduce levels of daylight to the potentially affected property to a detrimental level. This carries limited weight against the application.

Comments have been made in relation to the council's SPD Residential Amenity and the Siting of Buildings and the 25 degree rule. However, this SPD sets out the design principles that will apply to the consideration of planning applications for non-residential buildings in proximity to existing residential properties. Therefore, this SPD and its contents are not applicable in this instance.

In terms of overlooking, the rear-facing windows are set a sufficient distance from the rear boundary to avoid increased levels of overlooking. There are no windows included or proposed on the side elevation of the unauthorised extension. Whilst there are windows included/proposed on the side elevation of the original dwelling, they are located at ground floor level and do not require planning permission, and as such are not under consideration as part of this application.

Overall, the unauthorised extension is not considered to result in unacceptable impacts on residential amenity and is compliant with the adopted SPD House Extensions and Other Domestic Alterations and Local Plan Policy GD1. This carries limited weight against the application.

Increase in land levels

The site and surrounding area are characterised by changes in topography, with varying land levels across both the application site and neighbouring properties. Hazelwood slopes from east to west, falling from its junction with Rotherham Road to beyond the side elevation of No. 6 Hazelwood. There is also a gradient across the application site from south to north.

As a result, No. 4 Hazelwood sits approximately 1m higher than No. 6 at the front elevation. However, due to the opposing gradient to the rear, the garden areas of both properties were understood to have been broadly level prior to development. A small, raised patio was previously located adjacent to the rear of the application dwelling, providing level access into the garden.

Site photographs indicate that the patio previously extended approximately 2.7m into the rear garden, becoming raised only at its furthest extent due to the south–north fall of the site. The garden was enclosed by a timber fence along the boundary with No. 6.

Following the development, excavated material has been deposited across the rear garden, resulting in an overall increase in ground levels. The rear garden of the application property now sits approximately 1m higher than the neighbouring property at No. 6.

This increase in levels has created opportunities for overlooking into the neighbouring garden and towards ground floor habitable room windows. A site visit confirmed that clear views into the neighbouring garden are achievable, although direct views into habitable room

windows are limited. Nevertheless, the perception of overlooking can be harmful to residential amenity.

In an attempt to mitigate this, the applicant has proposed the erection of a 1.8m high timber fence along the boundary between the two properties. However, due to the level difference between the properties, the fence would appear significantly higher, approximately 2.7m in height, when viewed from No. 6 Hazelwood. This would result in an overbearing and visually dominant boundary treatment, to the detriment of the amenity of neighbouring occupiers.

Accordingly, the regrading of the land and the proposed mitigation measures are considered to result in significant harm to residential amenity, contrary to Local Plan Policy GD1. This harm carries significant weight against the application.

Comments have been made in relation to noise and disturbance arising from construction works, as well as the length of time taken to complete the development. It is recognised that construction activity can result in temporary disruption to neighbouring properties. However, given the small-scale nature of the development, and noting that similar works could be undertaken under permitted development rights, it would not be reasonable to impose restrictions on construction hours on householder applications.

With regard to the duration of the works, there is no statutory requirement governing the length of time taken to complete a development once it has commenced. The relevant legislative requirement is that development must be commenced within three years of the grant of planning permission. As such, the time taken to carry out the works is not a material planning consideration in the determination of this application.

For the reasons outlined above it is considered that whilst the unauthorised extension has limited impact on the neighbouring property. The increase in land levels and the associated boundary treatment would have a significant impact on the amenity and this carries significant weight against the proposal.

Highways

Supplementary Planning Document – Parking sets out the parking standards for dwellings; a dwelling comprising of 3 or more bedrooms requires the provision of 2no off street parking spaces.

The proposed development does not result in the loss of existing off-street parking, nor does it result in the requirement of additional parking provision, and as such is considered acceptable in terms of its impact on highway safety and in compliance with Local Plan Policy T4 New Development and Transport Safety. This carries moderate weight in favour of the application.

Other Issues

Comments have been made regarding:

- Failure to build in accordance with the approved plans
- Subject to enforcement proceedings and Barnsley Enforcement Policy
- Statement of Community Involvement
- Drainage
- Mining issues
- Proximity to the boundary
- Party wall act
- Changes impacting on fire safety

- Poor workmanship
- Quality of rubble used to raise garden level
- Damage to neighbouring property retaining wall
- Maintenance of retaining wall

It is acknowledged that works have been undertaken without planning permission, however, this is not a material planning consideration, and this application seeks to consider the impact and acceptability in planning terms of the development as assessed above.

It is acknowledged that an enforcement notice has been served, however this is a separate process to the determination of a planning application and based upon advice received from legal services, an enforcement notice can be placed into abeyance to due processing and determination of the application without prejudice to any parties. This is in order to have the planning merits of the application and what is constructed/proposed at the site to be fully assessed and determined.

The Statement of Community Involvement relates to how the council will engage with communities, businesses and organisations in the planning process. This is in accordance with the General Development Procedure Order and the consultation of this application with the neighbours has been undertaken in accordance with the regulations.

Comments have been made in relation to the drainage of the site and that the development is contrary to Local Plan Policy CC4. Drainage in relation to extensions to domestic properties, including the blocking of manholes are dealt with through the Building Control process and does not fall within the remit of the Planning Authority. In relation to Policy CC4, this policy relates to major development (residential sites of 10+ homes (or ≥ 0.5 hectares) and non-residential projects $\geq 1,000 \text{ m}^2$ (or ≥ 1 hectare)) and as such is not relevant in this instance.

The site falls within a Coal Mining High Risk referral area, however, in line with the Mining Remediation (formerly Coal Authority) guidelines, householder developments are an exempt form of development and there is no requirement to request a Coal Mining Risk Assessment or consult with the Mining Remediation Authority. Cases of mining legacy in relation to householder development are dealt with through the Building Control process and are not a material planning consideration in this instance.

The extension is located within the red line boundary of the site and homeowners have the right to build up to the boundary line. The comments made in relation to the Party Wall Act and the lack of notification under this process, and potential damage to the neighbouring retaining wall are civil matters between the neighbours and are not material planning considerations.

Comments have been made in relation to the changes to the property in relation to windows and doors and fire safety and the poor workmanship of construction; these are not material planning considerations and will be dealt with through the Building Control process.

Comments have been made in relation to damage to neighbouring property retaining wall and maintenance of retaining wall – these are civil matters and not material planning considerations.

Planning Balance and Conclusion

In accordance with the provision of paragraph 11 of the NPPF (2024), the proposal is considered in the context of the presumption in favour of sustainable development.

In assessing the proposal the design is considered to be poor with an incongruous relationship between the approved and unauthorised elements resulting from an awkward roof junction and an asymmetrical overall form, which detracts from the character and appearance of the property and is overall not in conformity with the adopted SPD House Extensions and Other Domestic Alterations. The resulting visual impact of the development is considered to result in harm to the character and appearance of the area, contrary to Local Plan Policy D1 and paragraphs 135 and 139 of the NPPF. This carries significant weight against the proposal.

The regrading of the land is considered to result in significant harm to residential amenity of the neighbouring property, through increased levels of overlooking and loss of privacy. The proposed mitigation measures of a 1.8m fence which would appear as approximately 2.7m high from the neighbouring property would result in an overbearing and visually dominant boundary treatment, to the detriment of the amenity of neighbouring occupiers, contrary to Local Plan Policy GD1. This harm carries significant weight against the application.

The size and location of the unauthorised extension is not considered to result in unacceptable impacts on residential amenity and is compliant with the adopted SPD House Extensions and Other Domestic Alterations and Local Plan Policy GD1. This carries limited weight against the application.

The proposed development does not result in the loss of existing off-street parking, nor does it result in the requirement of additional parking provision, and as such is considered acceptable in terms of its impact on highway safety and in compliance with Local Plan Policy T4 New Development and Transport Safety. This carries moderate weight in favour of the application.

Taking into account all of the above, it is considered on balance, that the potential private benefits of the scheme would not outweigh any potential harm caused by the proposal. Additionally, paragraph 139 of the NPPF establishes 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.

Considering all of the above, on balance, this application is recommended for refusal.

RECOMMENDATION: Refuse

Reasons for Refusal

The unauthorised extension appears as a later addition, with limited regard to overall design. The relationship between the approved and unauthorised elements results in an awkward roof junction and an incongruous overall form, which detracts from the character and appearance of the property. Furthermore, the fenestration of the unauthorised extension fails to reflect the proportions, positioning, and materials of the host dwelling, resulting in a lack of visual cohesion. Although the extension is located to the rear, it is visible from public vantage points and as such, the development is considered to result in harm to the character and appearance of the area, contrary to Local Plan Policy D1 and paragraphs 135 and 139 of the NPPF.

The increase in garden levels would result in an increase in overlooking into the neighbouring garden and towards ground floor habitable room windows to a detrimental level, contrary to Local Plan Policy GD1 and SPD

The 1.8m high timber fence proposed along the boundary with the neighbouring property in an attempt to mitigate overlooking of the neighbouring dwelling and private amenity space, would result in an overbearing and visually dominant boundary treatment, to the detriment of the amenity of neighbouring occupiers and contrary to Local Plan Policy GD1 and SPD

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 objections, 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.

Justification

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

In dealing with the application referred to above, despite the Local Planning Authority wanting to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, it was not considered prudent in this instance due to the retrospective nature of the application and the active enforcement notice.