2023/0907

Applicant: Mr R Dunsby

Address: 5 Pennine Edge, Crow Edge, Sheffield, S36 4HE

Description: Erection of child's playhouse in rear garden (Retrospective)

Comments & Objections: The application has received four objections from dwellings located on the street.

Site & Location Description:

The dwelling is situated in small, contemporary residential development on the former site of the Pratty Flowers Inn on Whams Road, Crow Edge. There is outstanding planning consent to extend the Pennine Edge development by five dwellings, towards the rear of the application dwelling. Crow edge itself is a small hamlet located along, and just off of the A616 Whams Road towards the north western boundary of the Borough. Alongside the dwellings in Crow edge, a large building materials complex is situated, however beyond theses developments is open greenbelt of hills and valleys.

The dwelling itself is a contemporary terraced dwelling built over three floors. Constructed of stone and only having two floors visible from the front elevation, the block of terraces complements nearby older cottages. Along with other dwellings on the development, the front garden features a stone wall, either original or built using reclaimed stone. At the rear of the dwelling, at a considerably lower level than the front elevation, the rear garden is quite narrow and is of an overall modest size. Low, and relatively open boundary treatments separate the application dwelling from its's neighbours. A tall and relatively large tree, which would have been in situ prior to the development but was not protected by a tree protection order has recently been significantly pruned and lowered.



Relative Planning History:

- B/03/0115/PR - Residential development of 8 town houses and 4 apartments – Approved with conditions
- B/05/1066/PR - Inclusion of 2 additional plots to previously approved site (B/03/0115/PR) - Approved with conditions
- 2023/0076 – (adjacent site) Outline application for residential development of 5 dwellings with access and layout considered at this stage - Approved with conditions

Proposed:

The application is both retrospective, with the structure already having been constructed. The structure itself is a children's playhouse or play frame of considerable height, consisting of two levels and featuring a dual pitched roof. The actual construction materials are described as treated timber with a faux blue slate roof.

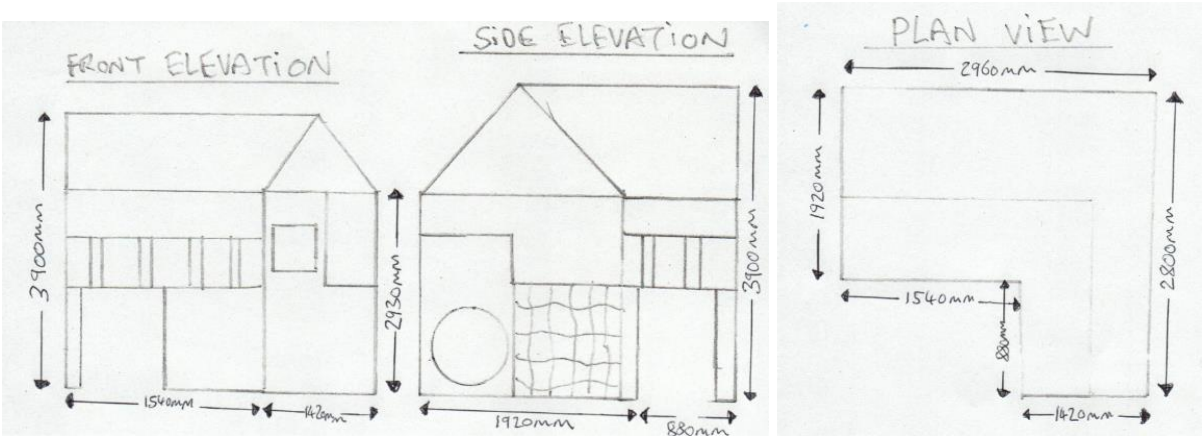
Measurements:

Width: (Maximum): 2.96m

Length (Maximum) 2.8m

Height: (Maximum): 3.9m

Eaves Height: 2.93m



]

Local Plan Designation: Urban Fabric

Conservation Area: No

Neighbour Representations:

Letters were sent to nearby addresses. Objections from four individual addresses were received in relation to the erected structure. Although not all comments could be considered as material planning conditions, Relevant comments included the following themes:

- **The structure exceeds the size and proximity allowable by regulations.** - I believe this refers to Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)., for which I am able to confirm the structure does breach the limitations for Class E, with height greater than 2.5m when located within 2m of a boundary treatment.

- **The structure creates dominance within the street scene and when in use allows an unacceptable invasion of privacy into the gardens and homes of neighbours** – In planning terms this could represent overshadowing and overbearing which may cause harm to the residential amenity of the neighbours.

- **One comment mentions that it is an 'eyesore'** - Whilst people's opinions of good design vary, a balanced approach has to be taken and unlike structures created under permitted development rules, structures which require planning consent must be considered with the context and impact within the area they are located.

- **Incorrect information on the application form in relation to measurements and the pruning of a tree** – Measurements were providing along with the application form and whilst during a site visit it was impractical and potentially unsafe to confirm these measurements, It was clear from the provided information and the actual physical structure that its's size was in excess of that allowable by permitted development and that its overall size and stature, along with its location would need to be fully assessed against its impact within the area and upon neighbouring dwellings.

  In relation to the tree, as this is a retrospective application, without definitive proof that a tree was pruned, or as it would appear its height was significantly reduced, for the sole purpose of the installation of this structure, further consideration would not be appropriate. In addition the tree is not protected by a Tree Preservation Order nor is it in a Consrervation Area so works to it would not require consent from the Local planning Authority.

Consultees:

Enforcement: The enforcement team have made no further comments, but I believe dealt with an original complaint about the structure.

Parish Council: No comments or objections received.

Forestry Officer: A formal consultation with the tree officer was not deemed necessary after an explanation of the situation was provided to the Forestry Officer. Because the tree was not a protected tree and it had already been significantly reduced, it would not be practical to try and

preserve such a tree, possibly with a Tree Protection Order (TPO). Equally any possible tree - protection measures during construction could not be considered as the structure was already built.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting on 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.

NPPF

The National Planning Policy Framework 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.
In respect of this application, relevant policies include:

Section 12: Achieving well-designed and beautiful places -
The creation of high quality, beautiful and sustainable 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Within section 12, paragraph 139 is the most relevant which indicates:

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design55, 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.

Local Plan

In reference to this application, the following Local Plan policies are relevant:

GD1 - General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

SD1: Presumption in favour of Sustainable Development: When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

D1 - High Quality Design and Place Making: Development is expected to be of a high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

T4 – **New Development & Highway Safety:** 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 Documents (SPD)

House Extensions and Other Domestic Extensions

Principle of development

The site is located within land designated as Urban Fabric. In a similar way to attached extensions, outbuildings, and similar structures within the curtilage of 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.

Residential Amenity

Having been cautious about how intrusive a piece of children's play equipment may be to the residential amenity of neighbouring dwellings, upon visiting the site, it was clear to see that the size, and in particularly the height of the piece of play equipment was simply too large for the modest sized garden. I am unsure if the equipment was bespoke or purchased from a retailer, but it would appear more akin to the size of play equipment located in commercial setting than a residential garden, especially a garden of such limited size. Furthermore, with the build quality of the structure and its apparent permanent fixture within its location; it would be unjust to consider the climbing frame as anything other than a permanent structure of the same nature as garden outbuilding, rather than as a portable piece of play equipment such as a large trampoline,

In such a housing development as Pennie edge is, it would be expected for gardens to have children's toys and play equipment and associated noise would undoubtedly occur. However, with this piece of equipment, I believe it goes beyond the bounds of these expectations, and quite literally raises the level of children's play to a height which clearly overlooks neighbouring gardens and potentially into their homes at both a ground floor and first floor level. This would be considered a significant negative impact on the residential amenity of neighbouring dwellings and would be considered such even if no objections had been received.

Visual Amenity

It would be difficult to refute the design quality of the actual climbing frame itself, but in situ, it does not reflect or enhance the character of the dwelling or street scene. This is demonstrated by its dominance within the compact and closeknit rear gardens of Pennie Edge, particularly for the blocks of terraced houses, but something which is also clearly visible from the rear of the pair of semi-detached dwellings within the development.

Although in the rear garden, adjacent to the garden is a public highway, rather than a private drive, amenity area or alleyway. With a further five dwellings having received consent to be built, whilst they may not be directly affected by the structure, the proposed access road would have a prime view of the structure, as would all vehicles or pedestrians entering or exiting the site.

With its sheer size and unsympathetic relation to the surrounding area, providing what could be considered as a watch tower within the area, the structure provides a substantial and detrimental effect upon the visual amenity of the area.

Highway Safety

Although built close to the highway, the structure is within the confines of a private garden and does not block the highway or visibility of the highway. As such there appears to be no harm to highway safety.

Summary

Although seemingly only a piece of children's play equipment, it is clear that the erected piece of play equipment is a substantial structure within the garden, and that it must be considered as other similar structures would be. Whilst smaller predominately domestically orientated pieces of garden furniture or play equipment would generally not require any form of planning consent, and larger fixed structures of up to 2.5m high may be allowable under permitted development rights, this structure exceeds both those limitations. In a larger garden area where the potential for harm to residential amenity may be reduced or within a garden with natural or existing strong boundaries, such a piece of play equipment may be considered acceptable. In this instance, due to the significant impact on the residential amenity of the neighbouring dwellings and the visual impact upon the street scene, there is no suitable option than to make a recommendation for refusal.

Specific guidance supporting this recommendation for refusal can be found in the House Extensions and Other Domestic Alterations Document (SPD). Specifically in relation to paragraph 8.29 of the document, the two-level nature of the structure would be akin to a raised platform and both currently and continue to as the guidance states "give rise to increased overlooking of dwellings and in particular their gardens". Potential mitigation is mentioned in paragraph 8.30 of the SPD but in this instance, the height required for such mitigation, would as the guidance advises against, likely "result in significant overshadowing or loss of outlook from neighbouring dwellings or have a detrimental impact on visual amenity or the character of the dwelling"

Recommendation: Refusal