2022/0503

Applicant: Mr Allen
Description: Residential development of 1no detached two storey dwelling and associated works (Outline seeking approval over means of access and layout)
Site Address: 119 Cross Lane, Royston, Barnsley, S71 4AR

Site Location and Description

The application relates to an area of land to the rear of 113-119 Cross Street and 130-156 Church Hill which measures approximately 0.1 Hectares. The land has previously been used for equestrian purposes and a stable block sits in the Southern corner of the site. Around the stable building is a garage and other outbuildings including a shed, storage container and greenhouse. The area in between the outbuildings is used for parking the applicant's cars and motorhome. The Western part of the site is predominantly laid to grass with some ornamental planting. The land is accessed via the private driveway associated with number 119 Cross Lane.

119 Cross Lane is an extended semi-detached property situated within a predominantly residential area. It has a garden area to the rear, as well as a private parking area, accessed by the driveway used for the application site.

The surrounding area is predominantly residential in nature with dwellings fronting Church Hill to the South, dwellings fronting Calder Avenue to the North and dwellings fronting Cross Lane to the East. To the West of the site is Barnsley Canal which runs along the rear boundary. There is a convenience store located immediately to the South of the vehicular access off Cross Lane. There is also an access track, serving the rear of numbers 140 – 156 Church Hill running parallel with the Southern boundary.

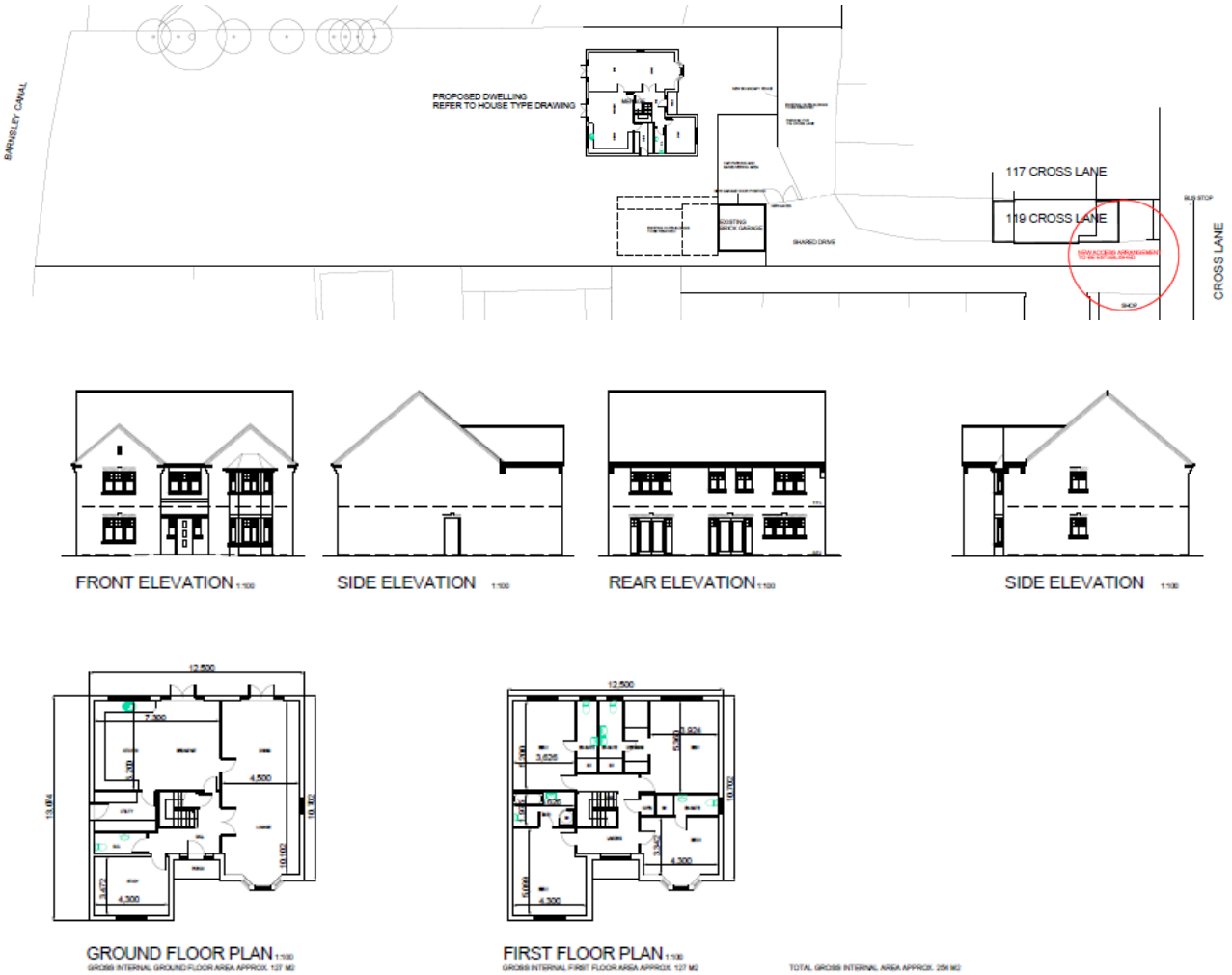


Site History

2019/0906 - Removal of existing outbuildings and erection of two storey detached dwelling and associated works including provision of new private drive – Refused for the following reason;

In the opinion of the Local Planning Authority the proposal represents an undesirable form of tandem and backland development that would not benefit from the frontage to the existing public highway, nor reflect the prevailing settlement pattern of the area to the detriment of the character of the area. As such the proposal is considered to be of poor design that would fail to improve the character and quality of the area and the way it functions which is contrary to Local Plan Policy GD1, Local Plan Policy D1, the Council's Supplementary Planning Documents (SPD) - Designing New Housing Development and paragraph 127 of the NPPF.

In the opinion of the Local Planning Authority, the proposed development would be materially detrimental to the amenities of the neighbouring properties by reason of disturbance from increased residential and vehicular activity. Furthermore, the proposed private amenity space would be overlooked by neighbouring habitable room windows and raised balconies, conversely, the neighbouring windows and balconies would likely be overlooked by future residents within the proposed private amenity space. As such, the proposed development would be contrary to Local Plan Policy GD1 'General Development' and the Council's Supplementary Planning Document 'Design of Housing Development'.

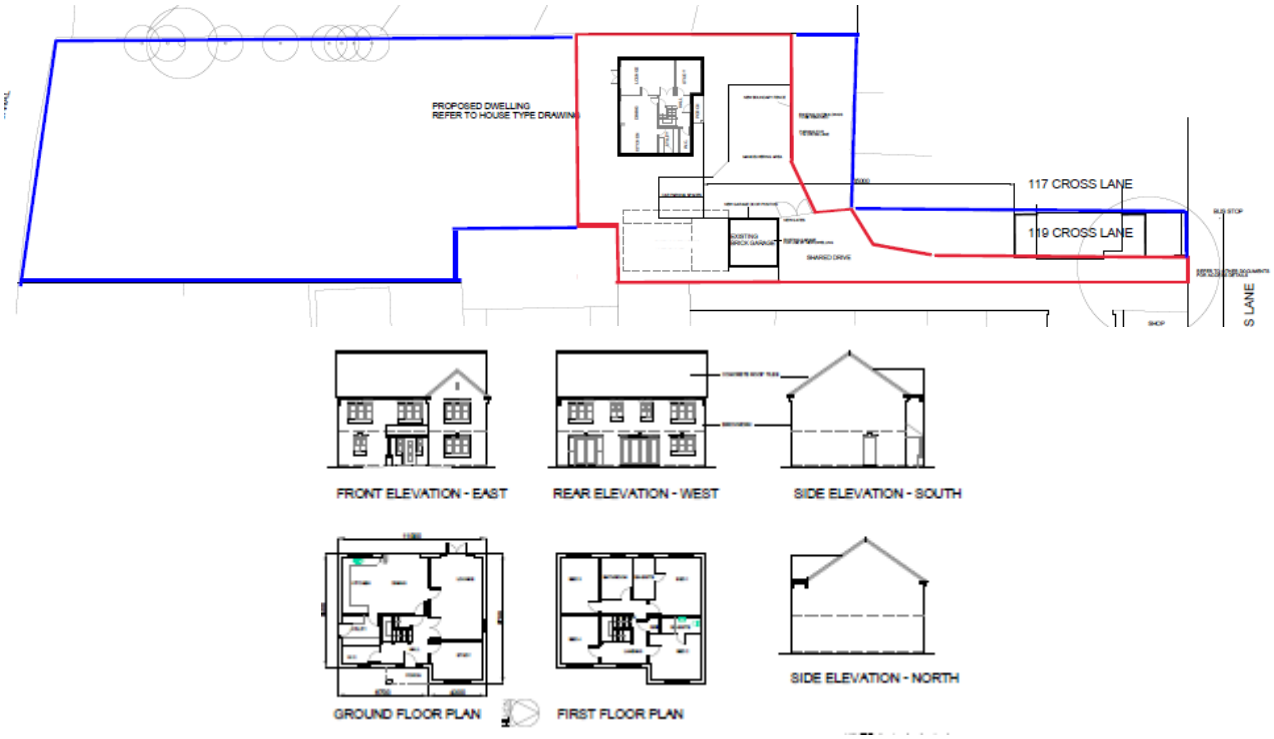


The applicant appealed against the refusal of application 2019/0906 (Ref: APP/R4408/W/19/3240735). The appeal was dismissed.

Proposed Development

The applicant seeks outline permission (including access and layout) for a detached dwelling located to the rear of 119 Cross Lane. The site is accessed via a driveway shared with number 119. Parking and turning would be provided to the front and side of the proposed dwelling and it would also utilise the existing detached double garage. Gardens would be provided to the front, side and rear of the proposed dwelling. The plans below show that the former grass paddock area would not fall within the redline boundary/curtilage of the property.

The existing outbuildings to the rear of number 119 would be removed to provide parking and turning for 119. The former paddock is outlined in blue along with number 119, however, it is not clear how the land would be accessed.



Policy Context

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

Highways – Redline boundary needs to be extended to include adjacent land which is essential for the improvement works proposed.

Ward Councillors – No comments

Representations

2no. letters of objection have been received from 1no. property. The main points of concern are;
- Loss of Privacy
- Reduced residential amenity

Assessment

Principle of Development

This application follows on from the refusal of a detached dwelling on the site under application 2019/0906. It is acknowledged that the previous application was a full application and this current application is an outline, however, access and Layout are to be considered and a site layout plan and indicative elevations and floor plans have been submitted for consideration.

Application 2019/0906 was refused as the proposal represented an undesirable form of backland development which did not reflect the prevailing settlement pattern, contrary to Local Plan policies SD1 and D1 as well as SPD 'Design of Housing Development'. The applicant appealed against the refusal of the application and the Planning Inspector dismissed the appeal on visual amenity grounds stating '*I find that the proposal would in terms of its design, scale and position introduce a development that would be out of keeping with the urban grain of the locality and thereby harmful to the character and appearance of the area. Consequently, it would conflict with the design and placemaking requirements of LP Policy D1 and the SPD'.* As such, if this application is to be supported it must address and overcome that reason for refusal.

The application was also refused on residential amenity grounds by reason of noise and disturbance through residential and vehicular activity, as well as the resulting private amenity space being overlooked from neighbouring windows and balconies. However, the Inspector did not uphold this reason for refusal, stating; *I conclude that the proposal would not be harmful to the living conditions of the appeal dwelling or adjoining occupiers with regard to privacy or noise and disturbance. It would accord with Policy GD1 of the BLP, which requires that new development shall not adversely affect the living conditions of existing occupiers.*

The site is allocated as Urban Fabric within the Local Plan. Local Plan policy H4 'Residential Development on small non-allocated sites' 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.

In any case, 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.

Design / Visual Amenity

The application is an outline; however, layout is a matter for consideration and the relevant supporting plans have been submitted. SPD 'Design of Housing Development' states that 'Tandem development, with one dwelling directly in front or behind another sharing the same access, will almost always be resisted'. The SPD also states 'backland development is most effective where it includes a number of dwellings served by an adopted highway, which is capable of being used by refuse and other servicing vehicles. Long, narrow private drives which would

result in excessive ‘man carry distances’ should be avoided’. Furthermore, backland development may be more acceptable..where residential development would benefit the amenity of existing residents and the character and appearance of the locality’.

The submitted layout is very similar to the one previously refused and, in any case, any dwelling regardless of layout on this site would be a tandem/backland development. Therefore, the proposed development would be contrary to the requirements of the SPD outlined above. It would be to the rear of the dwellings fronting Cross Lane, Church Hill and Calder Avenue in a ‘Backland’ location. It would also be located behind the host property and share a long private drive with it in a tandem arrangement.

Backland developments are not without controversy and the Council has in recent times sought to ensure a more consistent approach is applied to such proposals. This as a whole has been supported by the Planning Inspectorate whereby the Council’s decision to refuse inappropriate developments has been upheld in recent planning appeals, including a dismissed appeal for this site. The main concern is that backland represents an ‘ad-hoc’ form of development, which can fundamentally undermine the proper (comprehensive) planning of an area. To allow such proposals can indicate a departure from the long established local pattern of development, this can also make it harder for the Council to resist further (similar) proposals in future which in turn can progressively erode the area’s character.

It is acknowledged that 140 Church Hill, adjacent to the site, is a form of backland development, however, that is a historic development approved prior to current policies and guidelines, as such, it does not set a precedent in this case and each case should be assessed on its individual merits.

The proposed indicative dwelling, similar to that previously refused, would be a relatively large, detached, double fronted property whereas the host property, and the majority of properties fronting Cross Lane, are modest semi-detached and terraced properties. The SPD states that dwellings should be orientated to have a frontage to the existing public highway which, given the backland location, the proposed dwelling does not have. As such, the development would not reflect the development pattern of the area, contrary to the SPD and Local Plan Policy D1.

The Planning Inspectorate concurred with the comments above for the very similar previously refused dwelling;

The proposed dwelling would be a large, double fronted detached dwelling on a plot that is substantially wider and longer than those that surround it. As such, the proposal would be at odds with the prevailing character and appearance of the location, which is of modest, tightly knit properties on narrow plots, usually with direct road frontage.

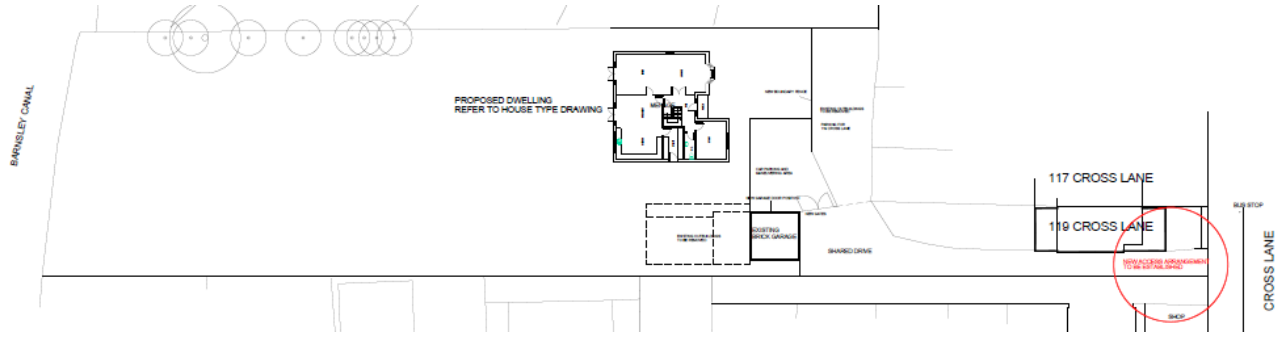
I note the appellant’s comments relating to other backland developments in the wider area. I have not been provided with the full details of these developments or the circumstances under which they were granted planning permission. However, based on the information I have before me and from what I saw during my site visit, I note that the other examples referred to are of a scale that is commensurate with the character of the area. Nevertheless, I must determine this appeal on its own merits.

LP Policy D1 requires development to be of high quality design that complements, respects and reinforces local character. Furthermore, guidance contained within Supplementary Planning Document - Design of Housing Development 2019 (SPD) seeks to resist tandem development where one house is directly in front or behind another and development that is accessed via long, narrow private driveways.

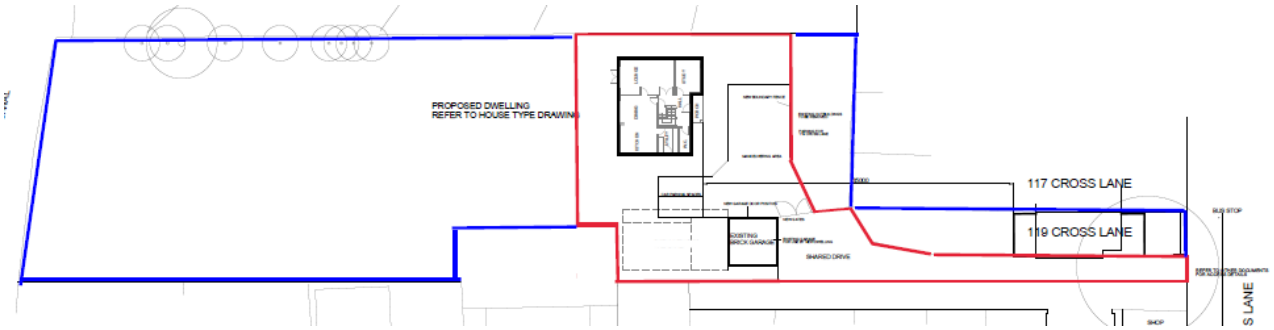
In the context of the above, I find that the proposal would in terms of its design, scale and position introduce a development that would be out of keeping with the urban grain of the locality and thereby harmful to the character and appearance of the area. Consequently, it would conflict with the design and placemaking requirements of LP Policy D1 and the SPD.

As can be seen below, the differences between the previously refused application and the current application are relatively minor and do not overcome the previous reason for refusal or the concerns raised by the Planning Inspector.

Refused



Proposed



Residential Amenity

The proposal has only undergone minor changes since the previous refusal including a slight reduction in footprint, minor design changes and the removal of the large paddock area as garden for the proposed dwelling. It is not clear what the paddock area would be used for if it is not for the occupants of the proposed dwelling as it would only be accessible from the surrounding neighbouring properties and Barnsley Canal. It is shown in a blue line with number 119 but 119 would have no direct access to the land.

The previous application was partly refused for the following reason;

In the opinion of the Local Planning Authority, the proposed development would be materially detrimental to the amenities of the neighbouring properties by reason of disturbance from increased residential and vehicular activity. Furthermore, the proposed private amenity space would be overlooked by neighbouring habitable room windows and raised balconies, conversely, the neighbouring windows and balconies would likely be overlooked by future residents within the proposed private amenity space. As such, the proposed development would be contrary to Local Plan Policy GD1 'General Development' and the Council's Supplementary Planning Document 'Design of Housing Development'.

The Planning Inspector did not concur and concluded;

I conclude that the proposal would not be harmful to the living conditions of the appeal dwelling or adjoining occupiers with regard to privacy or noise and disturbance. It would accord with Policy GD1 of the BLP, which requires that new development shall not adversely affect the living conditions of existing occupiers.

Since the previous application and appeal there has only been minor alterations to the footprint/position of the dwelling and its indicative design, plus the garden area directly to the rear of the neighbouring raised balconies has been removed. As such, it would be unreasonable, given the inspectors comments, to impose the residential amenity reason for refusal in this case.

Highways Safety

As with the previously refused application, the current application is accompanied by a Highways Statement. It sets out that existing private drive serving number 119 and the site would be utilised for the proposed dwelling, however, the first 8.5m of the driveway would be widened to 6.5m to allow 2no. cars to pass. This would be done by incorporating part of the neighbouring access track which serves a number of dwellings fronting Church Hill.

Highways DM have assessed the proposed access and parking arrangements and taken account of the comments set out in the submitted Highways Statement. They have raised no objections to the proposal on highways safety grounds. Initially the section of the track required for the mitigation works was not included within the redline boundary but this has since been amended.

It should also be noted that the previous application was not refused on highways safety grounds and proposed the same access arrangements. The Planning Inspector did not raise highway safety concerns either.

Conclusions

The proposal would in terms of its design, scale and position introduce a development that would be out of keeping with the urban grain of the locality and thereby harmful to the character and appearance of the area. Consequently, it would conflict with the design and placemaking requirements of LP Policy D1 and the SPD.

The amendments to the scheme compared with refused application 2019/0906 and dismissed appeal APP/R4408/W/19/3240735 have not overcome the previous reasons for refusal or areas of concern, as such, the application is recommended for refusal.

Recommendation:

Refuse