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2024/0437

Mrs Karen Holling

14 Mitchelson Avenue, Dodworth, Barnsley, S75 3JL

Erection of two-storey rear extension to dwelling.

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### Site Description

The application relates to a plot located on the south side of Mitchelson Avenue and in an area that is principally residential characterised by two-storey detached and semi-detached dwellings of a similar scale and appearance.

The property in question is a two-storey semi-detached dwelling constructed of red brick with first floor rendering and had a hipped roof with rosemary roof tiles. The property is set within a large plot bounded by various fencing. The property is fronted by hard landscaping which extends along its western side. To the rear is an existing single storey UPVC conservatory, a red brick semi-detached outbuilding and two detached outbuildings. The topography of the site is relatively level with the wider area being slightly sloped, descending south-west to north-east.



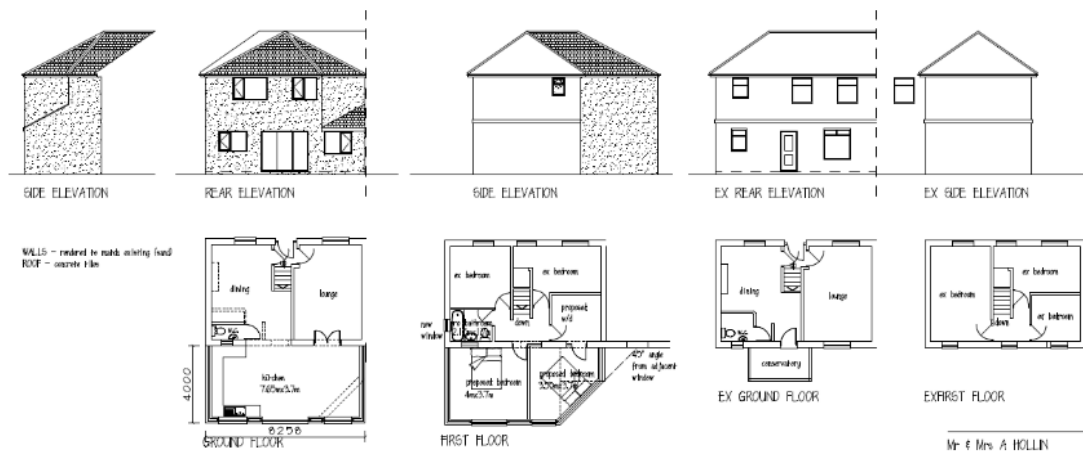
## Planning History

There are no previous planning applications associated with this site.

## Proposed Development

The applicant is seeking permission for the erection of a two-storey rear extension.

The proposed extension would project from the rear elevation of the application property by approximately 4 metres with a width of approximately 8.3 metres. The extension would adopt a cut in at first floor level and would adopt a hipped roof with an approximate eaves and ridge height of 5.2 metres and 7.4 metres respectively, and a mono-pitched roof with an approximate eaves and ridge height of 2.5 metres and 3.7 metres respectively. The extension would adopt closely matching roof tiles and would be finished in a sand-coloured render.



Mr & Mrs A HOLLIN  
PROPOSED EXTENSION  
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EX & PRO PLANS & ELEVATIONS  
11/08/03 MAY 24 Rev A  
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## **Policy Context**

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (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 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 which are a material consideration in the decision-making process.

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.

### Local Plan Allocation – Urban Fabric

The site is allocated as urban fabric in the adopted Local Plan which has no specific land allocation. Therefore, the following policies are relevant:

- ***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.***

### Supplementary Planning Document(s)

- ***House Extensions and Other Domestic Alterations.***
- ***Parking.***

### 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. In respect of this application, relevant policies include:

- ***Section 12: Achieving well-designed and beautiful places.***

### Other Material Considerations

- ***South Yorkshire Residential Design Guide 2011.***

## **Consultations**

No consultees were consulted on this application.

## Representations

Neighbour notification letters were sent to surrounding properties and two representations were received from two addresses over a total of six emails.

The following objections which are a material planning consideration were raised:

- Overshadowing due to sun rising in the east.
- Overshadowing of a greenhouse.
- Overshadowing of front room.
- All the natural light comes into the rear of the house and the proposal will limit natural sunlight for much of the morning in the summer and most of the day in the winter.

The following objections which are not a material planning consideration were raised:

- Deeds state that any extensions should not block natural light to neighbours' windows.
- The demolition of the outbuilding will weaken the structure of an attached outbuilding.
- The extension would be close to a washing line that cannot be relocated, and clothes would not dry.
- Personal circumstances.

Whilst all concerns raised are acknowledged, only those which are material planning considerations can be taken into account. A response was issued to the objectors in relation to the concerns raised and subsequently further responses were received with new additional concerns raised:

The following additional objections which are a material planning consideration were raised:

- Noise and dust.

The following additional objections which are not a material planning consideration were raised:

- Increased cost of living due to use of lights and heating.
- Cost of relocating greenhouse and seating area.
- Will ask the Council for a refund for the relocation of the greenhouse.
- Will ask the Council to pay the increases to utility bills.
- Would like the application deferred until the local Councillor and MP has visited.
- Would like the application deferred due to personal circumstances.
- Would like the commencement of construction works to be delayed due to personal circumstances.

Whilst all concerns raised are acknowledged, only those which are material planning considerations can be taken into account. This is assessed below.

## **Assessment**

### Principle of Development

Extensions and alterations to a domestic property are acceptable in principle if they would remain subservient to and are of a scale and design which is appropriate to the host property and are not detrimental to the amenity afforded to adjacent properties, including visual amenity and highway safety, and would demonstrate that it would not be likely to result, directly or indirectly, in an increase in noise or other pollution which would unacceptably affect or cause nuisance to the natural and built environment or to people.

### Residential Amenity

Extensions and alterations to a domestic property are considered acceptable if they would not adversely affect the amenity of neighbouring properties and would demonstrate that the proposal would not be likely to result, directly or indirectly, in an increase in noise or other pollution which would unacceptably affect or cause nuisance to the natural and built environment or to people.

During the application process, concerns were raised in relation to overshadowing.

The proposed extension would be erected to the north-east of adjacent 12 Mitchelson Avenue and to the south-west of adjoining 16 Michelson Avenue. Generally, an extension erected to the south, south-east or south-west of a neighbouring property would likely have a greater impact regarding overshadowing than an extension located to the north, east or west. As such, it is acknowledged that some overshadowing could occur, specifically to adjoining 16 Michelson Avenue.

The House Extensions and Other Domestic Alterations SPD states that a two-storey rear extension will be considered based on the extent of overshadowing, loss of privacy and outlook. A two-storey rear extension to the rear of a semi-detached property which would abut a party boundary and adversely affect main windows will not normally be allowed. Such extensions should therefore be designed with a rearward projection of less than 3.5 metres, though larger extensions may be acceptable in certain circumstances. As a general test, the 45-degree rule will be applied as a guide to assess and limit the extent of overshadowing and loss of outlook. The test will be applied to the mid-point of the nearest neighbouring habitable room window. Notwithstanding the 45-degree rule, an assessment will be made about whether an extension would have an overbearing impact on adjacent properties.

The proposed extension would be erected adjacent to the eastern party boundary and would adopt a rearward projection of approximately 4 metres. At first-floor level, the extension would adopt a cut in adjacent to the eastern party boundary that would comply with the 45-degree rule when applied to the nearest first-floor habitable room window of 16 Michelson Avenue. At ground level, the extension would exceed the 45-degree rule when applied to 16 Michelson Avenue. However, a single storey rear extension with a rearward projection of 3 metres and an eaves and ridge height of 3 metres and 4 metres respectively could be erected under permitted development. An extension erected under permitted development would not require planning permission and would also exceed the 45-degree rule and would likely result in similar overshadowing and outlook impacts. In relation to 12 Michelson Avenue, the extension would be set away from the western party boundary and would comply with the 45-degree rule with any potential overshadowing impact likely to occur and be limited to the early morning and not at peak times for use of a rear garden. Moreover, the neighbouring properties benefit from relatively large curtilages that would likely remain largely unaffected by the extension, maintaining access to natural daylight to a reasonable degree. Existing low-level rear boundary treatments could be replaced with new treatments up to two-metres-high under permitted development if required which could provide further mitigation. As such, it is not considered that the proposal would be significantly detrimental to the amenity of the occupant(s) of 12 Michelson Avenue and 16 Mitchelson Avenue. In addition, if this application were to be refused

it would likely be allowed at appeal due to the context of similar development approved to properties along Mitchelson Avenue (2011/0664, 2014/1085, 2017/0364, 2019/0563).

New windows would be limited to the rear elevation of the proposed extension with no new windows located on either side elevation. The House Extensions and Other Domestic Alterations SPD states that 10 metres should be maintained to the rear boundary, and 12 metres should be maintained to a blank gable wall with 21 metres maintained to habitable room windows of neighbouring properties. In this instance, the rear windows would face into the application site with a sufficient separation distance maintained to the rear boundary with no neighbouring properties beyond. During the application process, the proposal was amended to include a new first-floor window to the western side elevation existing building. The new window would be relatively small and would serve a non-habitable room (bathroom) and would face the blank side elevation of 12 Mitchelson Avenue. Nonetheless, to maintain the amenity of the occupant(s) of the application property, a condition requiring obscure glazing will be attached to any forthcoming decision.

During the application process, concerns were raised regarding noise and dirt from construction works. The proposal could result in some disturbance which could affect or cause nuisance to the natural and built environment or to people. However, any potential impacts would likely be temporary, and a condition will be attached to any forthcoming decision to limit the hours of any development works and development related activities.

On balance, the proposal is therefore not considered to result in significantly increased levels of overshadowing, overlooking or reduced levels of outlook and would not have an overbearing impact and is considered to comply with *Local Plan Policy GD1: General Development* and *Local Plan Policy POLL1: Pollution Control and Protection* and would be acceptable regarding residential amenity.

### Visual Amenity

Extensions and alterations to a domestic property are considered acceptable if they would not significantly alter or detract from the character of the street scene and would sympathetically reflect the style and proportions of the existing dwelling.

The proposed extension would be located to the rear of the application property and would not be a prominent feature within the street scene of Mitchelson Avenue.

Whilst large, and despite the increase in footprint and its slightly contrived appearance which has been designed to minimise the impact to the amenities of the occupant(s) of the adjoining dwelling, the extension would adopt a sympathetic form and features, including hipped and mono-pitched roof types and closely matching external materials (brickwork and roof tiles), and would maintain the eaves height and would not exceed the ridge of the existing roof. The proposal would therefore appear subservient and would be clearly distinguishable as an extension. The extension would also be finished in a sand-coloured render. The existing building benefits from first floor sand-coloured rendering and the extension would be located to the rear of the application property and would not be a prominent feature within the street scene. As such, it is not considered that the proposal would significantly detract from or alter the character of the application property or street scene.

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

### Highway Safety

The proposal would not impede existing off-street parking arrangements and would not result in a requirement to provide additional spaces.

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

### Other Matters

In addition, paragraph 47 of the National Planning Policy Framework (NPPF) states “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”. An assessment of this application has been carried out and it is considered that the proposal is acceptable and in accordance with the Local Plan and associated Supplementary Planning Documents. The Council should therefore not delay the determination of this application. In addition, a standard three-year condition will be attached to any forthcoming decision meaning the applicant must make a material start to development works within three years of the date of the decision being issued, in accordance with the Town and Country Planning Act 1990. The Council cannot control nor delay the commencement of construction works once planning permission is granted.

**Recommendation -  
Approve with Conditions**