

Applicant: Mr S Clayburn

Description: Demolition of 49 Woodstock Road and residential development of 3 no. dwellings
(Outline with all matters reserved apart from means of access)

Site Address: 51 Woodstock Road, Wilthorpe, Barnsley, S75 1DX

Site Description

The site is 'L' shaped, measures approximately 0.25 hectares and forms part of the large garden areas to the rear of 51, 53 and 55 Woodstock Road. The site is within a predominantly residential area and is bounded by properties on Woodstock Road to the West, Woodstock Gardens to the South and Melvinia Crescent to the North and East.

There is a mixture of property styles within the area including predominantly detached and semi-detached dwellings on Woodstock Road, detached 2 storey dwellings on Woodstock Gardens and detached bungalows on Melvinia Crescent.

The site is currently largely overgrown.



Site History

2008/0868 – erection of four detached dwellings (outline) – Withdrawn

2008/1563 – erection of four detached dwellings (outline) (Resubmission) – Refused for the following reasons;

In the opinion of the Local Planning Authority the proposal represents piecemeal development that results in a contrived layout, which would appear cramped in the context of its surroundings. The proposed development therefore fails to retain the character and appearance of its setting, contrary to the advice contained in Planning Policy Statement 3, Barnsley UDP Policies H8D & BE6 and SPG3.

In the opinion of the Local Planning Authority the siting of 3 dwellings to the rear of no's 53 & 55 Woodstock Road and the introduction of a vehicular access and an associated parking and turning area would result in an increased level of activity, noise and disturbance, detrimental to the amenities of the surrounding dwellings, namely no's 57, 59 and 51 Woodstock Road and no. 6 Melvina Crescent contrary to Barnsley UDP Policy H8D and SPG3. In addition, the proposed development would have an adverse and overbearing impact on the occupiers of no. 6 Melvina Crescent as a result of the proximity of the 3 dwellings to that property when combined with the level differences between land within the two sites contrary to Barnsley UDP Policy H8A and the advice contained in SPG2.

An appeal was also dismissed relating to application 2008/1563 (Ref: APP/R4408/A/09/2096834).

2015/0347 - Erection of 5 no. dwellings (1 no. detached and 4 no. semi-detached) (Outline) – refused for the following reasons;

In the opinion of the Local Planning Authority, the proposed development would be an undesirable form of back land development. The proposal would not integrate well within the immediate area, to the detriment of the overall character and layout of the existing housing stock within the locality. As such it would result in an 'ad-hoc' form of development which would appear cramped in the context of its surroundings. To allow such proposals can indicate a departure from the long-established local pattern of development and could make it harder for the Council to resist further (similar) proposals in future which in turn can progressively erode the area's character, contrary to saved UDP policies H8A and H8D, Core Strategy Policy CSP 29 and the design principles established within the NPPF.

The introduction of a vehicular access and an associated parking and turning area would result in an increased level of activity, noise and disturbance, detrimental to the amenities of the surrounding dwellings, namely no's 55 and 57 Woodstock Road, contrary to saved UDP policies H8A and H8D. Furthermore, the proposed development would have an adverse impact on both existing and future residents in that it fails to meet separation distances set out in SPD 'Designing New Residential Development'.

The proposed access, and associated parking and turning facilities, fails to meet the guidelines set out in the South Yorkshire Residential Design Guide and Supplementary Planning Document 'Parking'. Consequently, the proposal would be likely to result in increased vehicles manoeuvring and parking within the highway to the detriment of the safe and free flow of traffic on the highway, contrary to Core Strategy CSP 26.

2016/0286 - Outline application including details of access and layout for the development of 4 dwelling houses - 2 no. detached houses & 2no. semi-detached houses (re-submission) – refused for the following reasons;

In the opinion of the Local Planning Authority, the proposed development would be an undesirable form of backland development. The proposal would not integrate well within the immediate area, to the detriment of the overall character and layout of the existing housing stock within the locality. As such it would result in an 'ad-hoc' form of development which would appear cramped in the context of its surroundings and would depart from the long-established local pattern of development to the detriment of the areas character. This would be contrary to saved UDP policies H8A (Housing Policy Area) and H8D (Infill, Backland and Tandem Residential Development), Core Strategy Policy CSP 29 (Design) and the design principles established within the NPPF.

The introduction of a vehicular access and an associated parking and turning area would result in an increased level of activity, noise and disturbance, detrimental to the amenities of the surrounding dwellings, namely no's 55 and 57 Woodstock Road, contrary to saved UDP policies H8A and H8D. Furthermore, the proposed access, and associated parking and turning facilities, fails to meet the guidelines set out in the South Yorkshire Residential Design Guide and Supplementary Planning Document 'Parking'. Consequently, the proposal would be likely to result in increased vehicles manoeuvring and parking within the highway to the detriment of the safe and free flow of traffic on the highway, contrary to Core Strategy CSP 26.

An appeal was also dismissed for application 2016/0286 (Ref: APP/R4408/W/16/3151254).

2019/1262 - Demolition of existing dwelling and residential development of 3no. dwellings (outline with all matters reserved apart from means of access) – refused for the following reasons;

In the opinion of the Local Planning Authority, the proposed development would be an undesirable form of backland development that would not benefit from a 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, it would result in a visually harmful or incongruous form of development which would appear markedly out of kilter with that of its surroundings. This would be contrary to Local Plan Policy D1 'Design', SPD 'Design of Housing Development' and the design principles established within the NPPF.

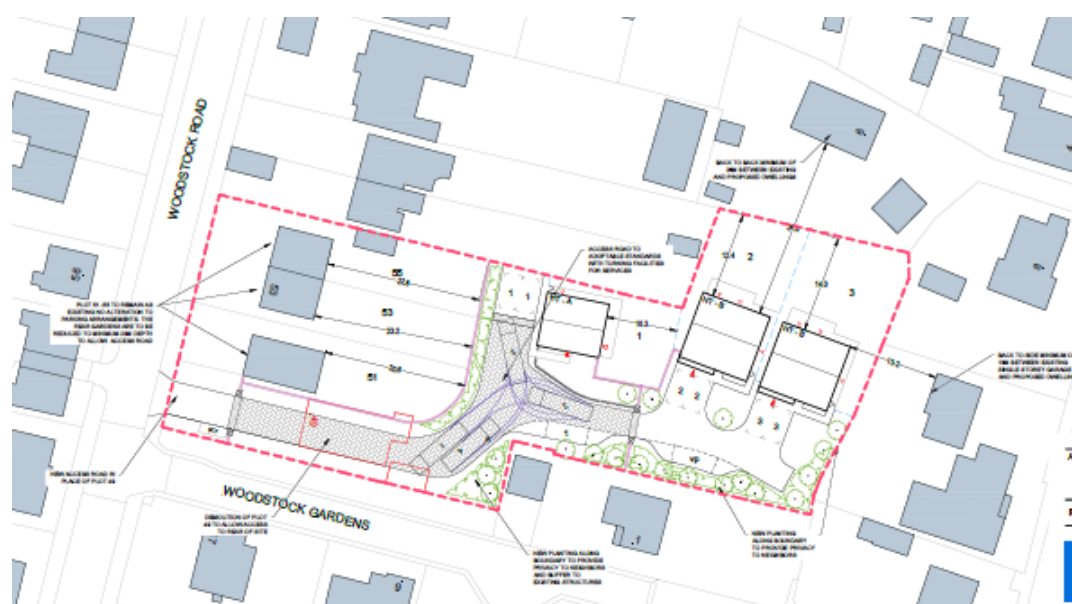
The introduction of a vehicular access and an associated parking and turning area would result in an increased level of activity, noise and disturbance within an otherwise generally quiet environment, detrimental to the amenities of the surrounding dwellings, namely no's 51, 53 & 55 Woodstock Road and 1 Woodstock Gardens, contrary to Local Plan Policy GD1 'General Development' and SPD 'Design of Housing Development'.

The applicant has not submitted sufficient details, due to the lack of Ecology Report and Tree Survey, to enable an adequate assessment to be made of the effect of the proposal on potential ecological issues and Arboriculture.

The proposed access on to Woodstock Road is in extremely close proximity to that of the adjacent Woodstock Gardens and visibility would be constrained due to the topography of the site, therefore, the development would not be afforded safe, secure and convenient access and movement, contrary to Local Plan Policy T4 'New development and Transport Safety'. Furthermore, the length of the drive would result in the 'man carry distance' to Woodstock Road of around 75m from the proposed properties to the rear of the site. This would conflict to a significant degree with Supplementary Planning Document: Design of Housing Development that seeks to restrict the length of such driveways to 30m.

The proposal does not conform with other Local Plan Policies, notably GD1, D1, or T4 and by consequence does not benefit from Local Plan Policy H4 for residential development on non-allocated sites and is refused permission by consequence.

An appeal was dismissed for application 2019/1262 under reference APP/R4408/W/20/3253900.



The applicant seeks outline permission (with all matters reserved, apart from means of access) to demolish 49 Woodstock Road and erect 3no. detached dwellings. The submitted indicative plans show a roadway into the site from Woodstock Road with a turning head. One no. detached 2 storey, 4-bedroom property would be accessed directly off the turning Head and 2no., 2 storey 4-bedroom properties would be located in the North Eastern corner of the site.

[illegible]

The site is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

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
- Trees and hedgerows

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.

Consultations

Yorkshire Water – No objections

Regulatory Services – No objections subject to conditions

Highways DC – No objections following amendments

SYMAS – No objections subject to condition (carried over from app 2019/1262)

Coal Authority – No objection subject to condition (Carried on from app 2019/1262)

Drainage – No objections subject to conditions

Waste Management – No objections following amendments

Ward Councillors – one objection from a Cllr received. The main points of concern are;

- Loss of Ecology
- Reduced highway safety

Representations

9 letters of objection have been received. The main points of concern are;

- Loss of privacy/overlooking
- Introduce noise and disturbance
- Backland development
- Reduced highway safety
- Increase pressure on parking
- Out of character with the area
- Loss of habitat/impact on ecology
- Impact on drainage

Assessment

Principle of development

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.

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.

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. 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.

Policy H9 'protection of existing larger dwellings' is also relevant in this case. The supporting text for policy H9 states *'The Government has changed the designation of garden areas from 'brownfield land' to 'greenfield land', in an attempt to resist development of additional houses within the curtilage of larger homes, known as 'garden grabbing', as this has also had an adverse impact on larger housing stock. Often additional dwellings have been built within their curtilage, resulting in an adverse impact on the original dwelling'.*

For the purposes of the policy 'larger dwellings' are considered to be those that have four or five bedrooms or are capable of accommodating four or five bedrooms without significant adaption.

It is noted there have been several refusals on this site for residential development, as outlined in the history section above. The latest application, 2019/1262, was also dismissed at appeal, however, out of the 5 reasons for refusal, the Inspector only upheld part of one of the reasons relating to bin collections. As such, this leaves limited scope to bring forward any of the previous concerns or reasons for refusal.

The merits of the current, almost identical, scheme will be discussed under the headings below;

Residential Amenity

Application 2019/1262 was refused partially on residential amenity;

The introduction of a vehicular access and an associated parking and turning area would result in an increased level of activity, noise and disturbance within an otherwise generally quiet environment, detrimental to the amenities of the surrounding dwellings, namely no's 51, 53 & 55 Woodstock Road and 1 Woodstock Gardens, contrary to Local Plan Policy GD1 'General Development' and SPD 'Design of Housing Development'.

However, the Inspector stated;

Judging by the indicative layout, the modest scale of vehicular movement arising from the three dwelling cul-de-sac is unlikely to be discordantly intrusive to neighbouring properties, within the residential suburban context. There is also scope for boundary design - including to Nos. 51, 53 and 55 Woodstock Road - and site layout at a subsequent stage to focus on minimising vehicular disturbance.

It is also likely that the fenestration, orientation, layout and landscaping of the proposed dwellings could, in combination with the hillside topography, be designed so as to protect the privacy of neighbouring and future occupants.

Construction phase activity could be suitably controlled through a construction management plan.

Therefore, the outline proposal would not conflict with Policy GD1 of the LP, which seeks to ensure that, among other things, development safeguards the living conditions of residents.

Given the current proposal and layout is not significantly different to application 2019/1262, there is no reason to disagree with the Inspectors findings.

Visual Amenity

Application 2019/1262 was refused for the following reason in relation to visual amenity;

In the opinion of the Local Planning Authority, the proposed development would be an undesirable form of backland development that would not benefit from a 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, it would result in a visually harmful or incongruous form of development which would appear markedly out of kilter with that of its surroundings. This would be contrary to Local Plan Policy D1 'Design', SPD 'Design of Housing Development' and the design principles established within the NPPF.

However, the Planning Inspector concluded;

Given the context of variation in local character, and the relatively substantial impression of verdant and spacious suburban character that would remain, the proposal would assimilate acceptably into the neighbourhood in terms of character and appearance.

The arboricultural report and impact assessment submitted by the appellant with the appeal shows that the trees on site are generally smaller, lower value, semi-mature garden trees. Judging by the indicative layout it is likely that while most would be removed, there would be scope for new garden tree planting of substance, with seasonal and wildlife interest as part of a landscape scheme, which could be secured by planning condition. This would help to visually soften the scheme and contribute longer term to the attractive local characteristic of tree canopies visible among the buildings on the hillside terrain.

The Council is concerned that generally backland development 'can progressively erode' an area's character. However, this does not automatically mean that a specific backland development proposal would be harmful to local character and appearance. For the reasons outlined, I find that such harm would not occur in this instance.

The HSPD allows for the possibility that backland development would be acceptable. Given my above findings, the proposal would not conflict with the HSPD in terms of character and appearance.

Again, given the current proposal and layout is not significantly different to application 2019/1262, there is no reason to disagree with the Inspectors findings.

Highways

Application 2019/1262 was refused for the following reason in relation to Highway Safety;

The proposed access on to Woodstock Road is in extremely close proximity to that of the adjacent Woodstock Gardens and visibility would be constrained due to the topography of the site, therefore, the development would not be afforded safe, secure and convenient access and movement, contrary to Local Plan Policy T4 'New development and Transport Safety'. Furthermore, the length of the drive would result in the 'man carry distance' to Woodstock Road of around 75m from the proposed properties to the rear of the site. This would conflict to a significant degree with Supplementary Planning Document: Design of Housing Development that seeks to restrict the length of such driveways to 30m.

With regards to the first part of that reason for refusal the Inspector stated;

From what I saw during my site visit, albeit a snapshot in time, Woodstock Road is an apparently lightly trafficked residential estate road with a 30mph speed limit. The appeal site is located around two thirds of the way down the street, some distance from the junction with the A635. The technical note submitted by the appellant's highways consultant indicates a good road safety record in the vicinity of both the Woodstock Gardens entrance and current driveway at No. 49 Woodstock Road, and a number of similarly closely located pairs of driveway accesses in the borough.

As such, the proposed access would be similarly located and configured to that at Woodstock Gardens - which has an apparently safe highway record - while serving half as many dwellings. The proposal for three dwellings is unlikely to generate a significant increase in traffic volume within this suburban context. Furthermore, it is likely that off-street parking for the proposed dwellings would avoid pressure on on-street parking in the vicinity of the site.

The Council is concerned that the proximity of the proposed cul-de-sac access to Woodstock Gardens, and the road's sloping topography would result in constrained visibility and unsafe access. However, the combination of factors described above indicate that the proposal would provide safe access for drivers and pedestrians accessing and passing the appeal site, and on the surrounding highway network.

However, the Inspector did uphold the second part of that reason for refusal and stated;

The swept path analysis indicates that the proposed development would accommodate a turning head large enough for service vehicles including a refuse lorry to access the proposed cul-de-sac. However, the Council's highways team advises that the authority would not adopt a development of five houses or less, and therefore refuse collection would not be carried from within the development but from a refuse collection area close to the adjoining public highway. Judging by the indicative site layout, the proposed houses would have a 'man carry distance' (MCD) for future occupants' bins to street collection point of around twice or more than the 30m maximum that is recommended in the Barnsley Design of Housing Development Supplementary Planning Document (2019) (HSPD).

Therefore, it is not shown that the refuse collection service would in practice manoeuvre a large bin lorry in and out of the proposed three dwelling cul-de-sac. Consequently, there would not be a demonstrably practical and realistic refuse collection arrangement for the proposed development.

The proposed development would fail to provide suitable access for refuse collection. This would conflict with the guidance in paragraph section 24.1 of the HSPD and would fail to constitute high quality design which is required by Policy D1 of the LP. Furthermore, the extent to which the proposed MCD would exceed that recommended in the HSPD would undermine the objective of securing suitable refuse collection arrangements on future residential development in Barnsley borough. As such, the proposal would result in moderate harm in terms of suitability of access.

One of the amendments made to this application, compared to application 2019/1262, is a redesign of the layout and construction of the access into the site, plus a bin collection point within the site adjacent to Woodstock Road has been added. The applicants have also been in consultation with Waste Management who have confirmed that the layout as proposed would be acceptable and refuse vehicles would be allowed to pass over.

Therefore, the only element of the scheme that the planning Inspector took issue with, and which ultimately resulted in the appeal being dismissed, has now been addressed.

Ecology

Reason for refusal 3 of application 2019/1262 stated;

The applicant has not submitted sufficient details, due to the lack of Ecology Report and Tree Survey, to enable an adequate assessment to be made of the effect of the proposal on potential ecological issues and Arboriculture.

However, the planning inspector did not agree and stated the following;

The preliminary ecological appraisal submitted by the appellant with the appeal indicates that while some suburban garden vegetation clearance would occur, there is scope to mitigate this through an imaginative scheme of landscaping, including wildlife-friendly planting and hedgehog-friendly design of boundaries and fencing. There is also scope for measures such as in-situ bat boxes and house sparrow boxes to be integrated into the proposed buildings' fabric. Such mitigation and appropriate seasonal limitation on timing of clearance work could be secured by condition. Therefore, the proposal would provide opportunity to enhance biodiversity on new development, thus according with Policy BIO1 of the LP.

Furthermore, a Preliminary Ecological Report has now been submitted and concludes 'The site is not considered to be of greater than site level importance to any habitat or species group. In order to further reduce scheme impacts and to ensure the scheme maximises potential benefits to nature conservation, it is recommended that mitigation and enhancement measures detailed in Sections 6.3 and 6.4 are adopted'.

The mitigation and enhancement measure highlighted in that report will be conditions

Trees

Reason for refusal 3 also references the lack of Tree Report. The Planning Inspector stated 'The arboricultural report and impact assessment submitted by the appellant with the appeal shows that the trees on site are generally smaller, lower value, semi-mature garden trees. Judging by the indicative layout it is likely that while most would be removed, there would be scope for new garden tree planting of substance, with seasonal and wildlife interest as part of a landscape scheme, which could be secured by planning condition. This would help to visually soften the scheme and contribute longer term to the attractive local characteristic of tree canopies visible among the buildings on the hillside terrain'.

As suggested by the Inspector a condition will be recommended to secure details of landscaping.

Summary

Given the conclusions reached by the Planning Inspector on an almost identical scheme, under application 2019/1262, the only element the applicant needed to address was to provide suitable

access for refuse collection. The access into the site has now been amended, in consultation with Waste Management, who have confirmed it would be satisfactory to allow for refuse collection vehicles to travel up, collect refuse from within the site, turn and exit the site in forward gear.

Given the above, taking into account the relevant development plan policies and other material considerations, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission for the scheme. The proposal therefore complies with the development plan as a whole and the advice in the NPPF.

Recommendation

Approve subject to conditions