

2022/0964

Mr David Alan Coles

Erection of detached annexe

28 Bar Lane, Staincross, Barnsley, S75 6DQ

Background

74/1295 – Bedroom Extension

Whilst not this site, an application was refused for the erection of a detached annexe to the rear of the adjacent property to the east, number 26 Bar Lane – application reference 2022/0598.

2022/0605 – Erection of detached annexe – refused for the following reasons:-

- 1 The site lies within the Green Belt on the approved Barnsley Local Plan, wherein it is the Policy of the Local Planning Authority not to permit new development except in very special circumstances, for purposes other than those set out in the NPPF. Local Plan Policy GB1 states that the Green Belt will be protected from inappropriate development in accordance with national policy. In the opinion of the LPA the proposed development constitutes inappropriate development contrary to policy and is prejudicial to the character and openness of the Green Belt. Furthermore, there are considered to be no very special circumstances to justify the granting of planning permission in this instance.
- 2 In the opinion of the Local Planning Authority the proposed annex would not constitute ancillary accommodation to the host dwelling 28 Bar Lane due to its substantial size and the separated relationship with the host dwelling. In addition, the number and type of internal rooms and the provision of separate parking and garden areas would facilitate independent living and prevents reliance upon the host dwelling contrary to the requirements of the Supplementary Planning Document (SPD) - House Extensions and Other Domestic Alterations and Local Plan Policy GD1 - General Development.
- 3 In the opinion of the Local Planning Authority, the proposed annex would be contrary to Supplementary Planning Document (SPD) - House Extensions and Other Domestic Alterations, the Supplementary Planning Document - Design of New Housing Development and Local Plan Policy GD1 - General Development in that it would be an undesirable form of backland development, materially detrimental to the amenities of the adjoining properties by reason of a loss of privacy and disturbance from increased residential activity.

- 4 In the opinion of the Local Planning Authority, the proposal fails to demonstrate that safe, suitable access and parking can be provided for the proposed annex and to the existing dwelling, contrary Local Plan Policy T4 and fails to meet the requirements of the South Yorkshire Residential Design Guide and the Supplementary Planning Document (SPD) Parking.



Plans refused 2022/0605

Description

28 Bar Lane is a semi detached brick built, hipped roofed dwelling. The property is located on B6131 Bar Lane, which is a classified road and is subject to a 30mph speed limit where it passes the site. The road consists mainly of residential dwellings.

The property has been extended previously with a first floor flat roofed side extension with drive through at ground floor and a single storey rear extension. The property has a long rear garden which extends into Green Belt land to the south and has a long driveway which is set adjacent to the driveway to number 26 Bar Lane. The land slopes from north to south resulting in a sloping rear garden.

Recent aerial photography (2022) shows that the property has 4 outbuildings within the rear garden which may have been erected under permitted development rights, however during the most recent site visit (November 2022) it was apparent that these buildings have been removed with the exception of the garage shown on the photographs below.



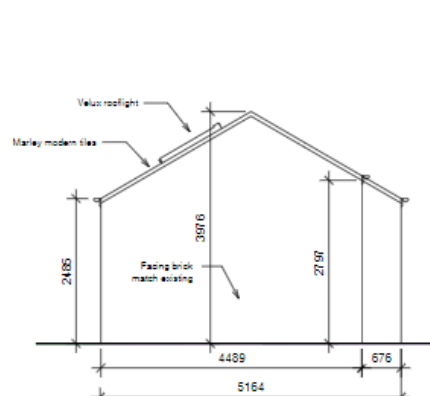
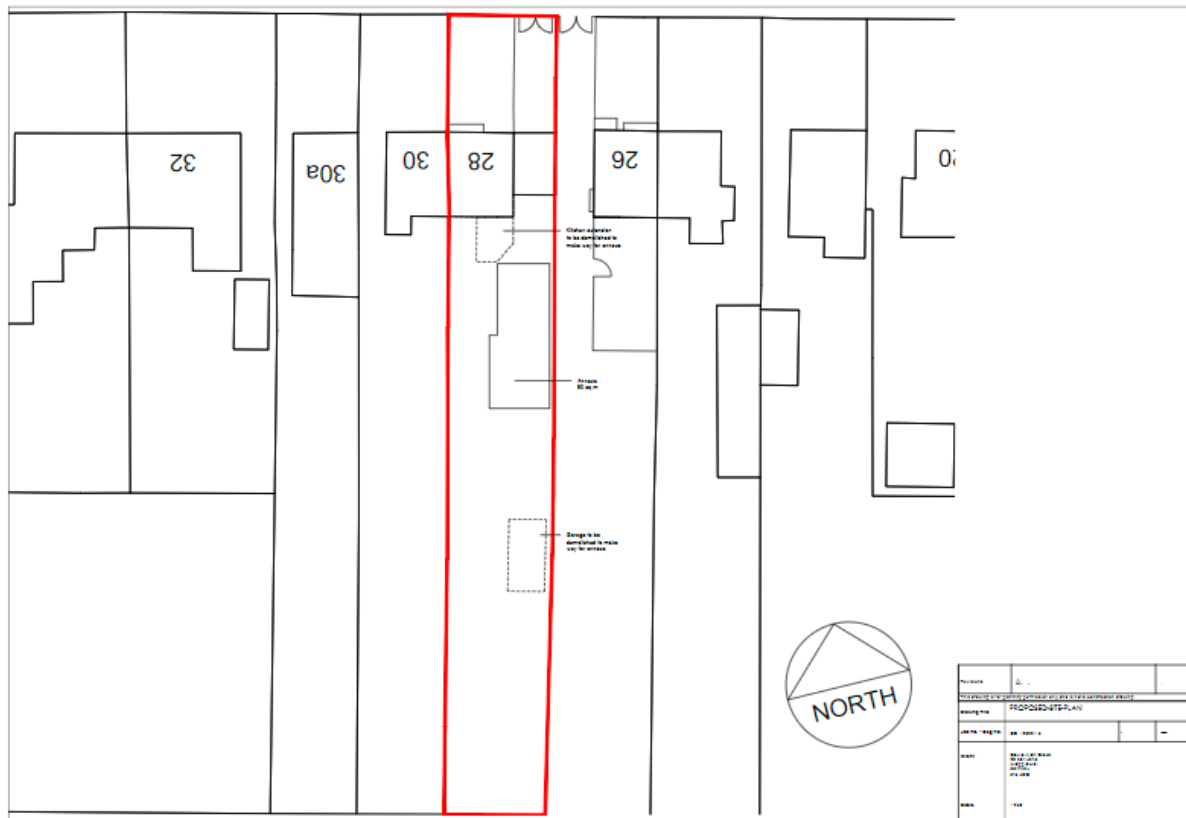


Proposed Development

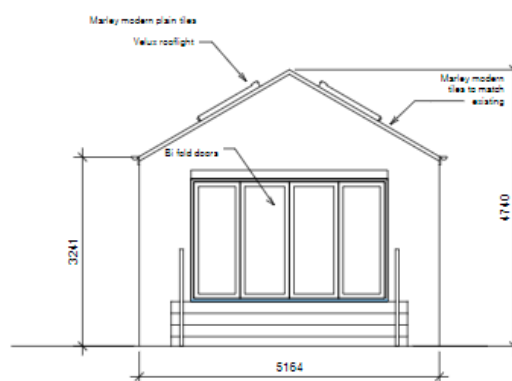
The proposal involves the erection of a detached annex building set in the rear garden to number 28. The annex is a single storey building with windows and doors facing the south and west and rooflights to the roof slopes. The building measures approximately 12.4m in length and 4.4m extending to 5.1m and is approximately 58sqm internally and 69sqm measured externally. Due to the slope of the garden a raised terrace area is also proposed to the rear of the annex with a height of approx. 0.7m measured from the highest ground level.

Internally the annexe has been designed with a bedroom, hallway with storage cupboard, kitchen/dining/lounge and a separate bathroom, which includes a bath and a shower.

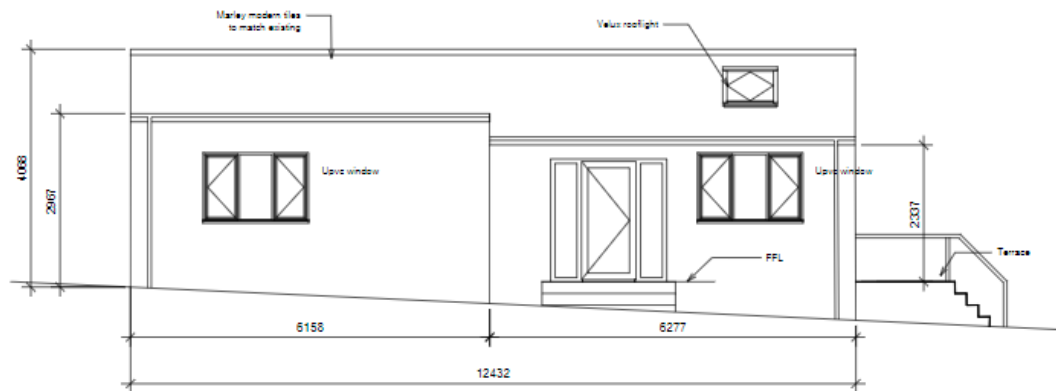
The proposal also includes the removal of the existing single storey rear kitchen extension to the main dwelling and the garage within the rear garden.



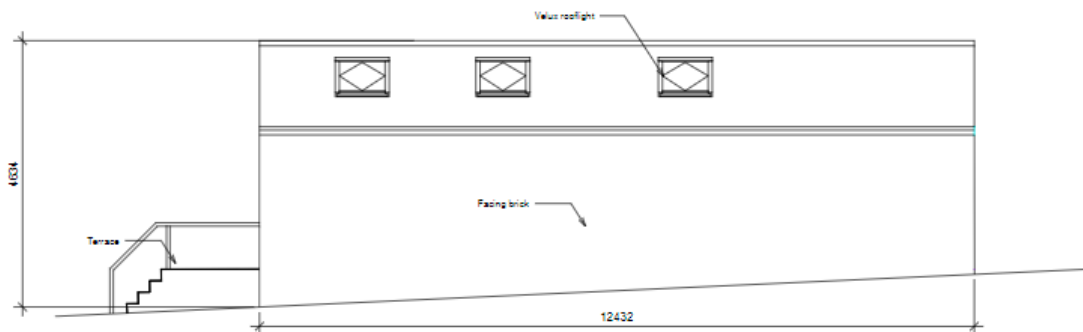
Proposed front elevation
Annexe
1:50



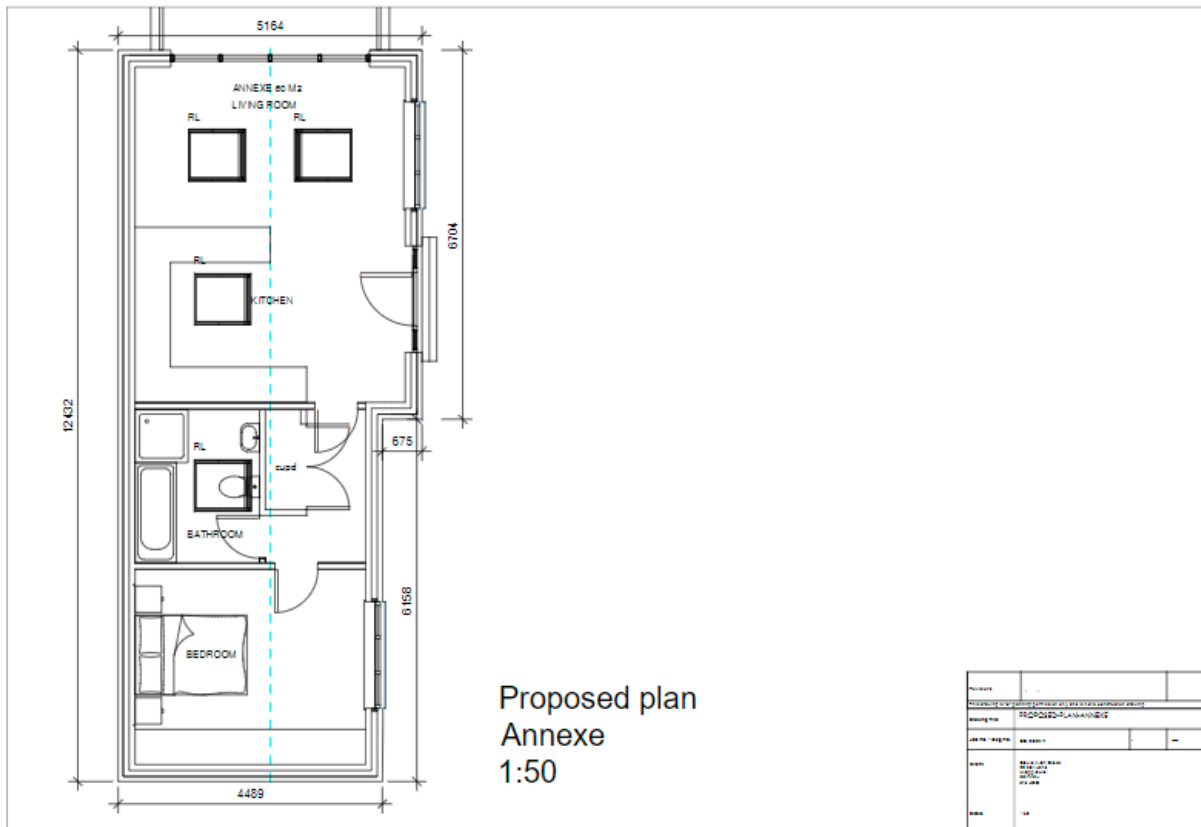
Proposed rear elevation
Annexe
1:50



Proposed side elevation
Annexe
1:50



Proposed side elevation
Annexe
1:50



Policy Context

Planning decisions should be made in accordance with the local 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 Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

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 places

Within section 12, paragraph 134 is the most relevant which indicates that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Local Plan

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the National Planning Policy Framework 2021 (NPPF) does not change the statutory status of the development plan as the starting point for decision making.

The Local Plan was adopted by the Council in January 2019 along with a series of Supplementary Planning Documents.

In reference to this application the site is situated within an area of Urban Fabric as allocated in the Local Plan proposals map, therefore the following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development – sets out principles when considering development proposals.

Policy GD1: General Development

Policy GB2: Replacement, extension and alteration of existing buildings in the Green Belt

Policy D1: High quality design and place making

Policy T4: New Development and Highway Safety

SPD: House extensions and Other Domestic Alterations

Supplementary Planning Document - House Extensions sets out the design principles that specifically apply to the consideration of planning applications for house extensions, roof alterations, outbuildings & other domestic alterations. The general principles are that proposals should:

1. be of a scale and design which harmonises with the existing building
2. not adversely affect the amenity of neighbouring properties
3. maintain the character of the street scene and
4. not interfere with highway safety.

The following section of the SPD is particularly relevant to this application:

Outbuildings and Annexes:- outbuildings should relate sympathetically to the main dwelling in style, proportions and external finishes. An annex building may be permitted in a rear garden where it would not occupy a disproportionate amount of the garden and would not have its own separate access or garden area. An annex should normally have a close physical relationship with the host dwelling, be single storey and in all circumstances it should only have 1 bedroom and no more than 3 rooms in total.

SPD: Design of Housing Development

Sets various criteria on how backland development is assessed and where it can be appropriate, including where there is an existing use on the land and residential development would benefit amenity and the character and appearance of the locality. Section 24 of the guidance states that tandem development, with one dwelling directly in front or behind another sharing the same access, will almost always be resisted.

SPD Parking:

Other:

South Yorkshire Residential Design Guide

Consultations

Highways – No objections

Drainage – Details to be checked by Building Control

Representations

Neighbour notification letters were sent out to surrounding properties; 1 objection has been received which states:-

- Impact upon residential amenity
- Loss of privacy to home and garden
- The height will have an overbearing impact
- The plot is on a downward slope and the annex will overlook
- Impact upon highway safety
- Disturbance from additional residential activity
- The plans clearly demonstrate that this development is a proposed separate detached dwelling, not an annex with any reliance on the main house.
- Concerns regarding construction vehicles

Assessment

Principle of development

The dwelling falls within Urban Fabric which has no specific land allocation, however half of the garden is allocated as Green Belt. The site for the proposed annex falls within an area of the garden which is allocated Urban Fabric.

The site is set within a residential area where extension and alterations to existing dwellings are acceptable in principle, subject to compliance with policy GD1 of the Local Plan.

Annex principle

The application proposes the erection of a substantial detached annex building, set within the rear garden of number 28 Bar Lane. The Supplementary Planning Document House Extensions and Other Domestic Alterations provides specific guidance for the erection of annex buildings. The SPD states that:- 'An annex building may be permitted in a rear garden where it would not occupy a disproportionate amount of the garden and would not have its own separate access or garden area. An annex should normally have a close physical relationship with the host dwelling, be single storey and in all circumstances it should only have 1 bedroom and no more than 3 rooms in total.'

Whilst the proposed annex has been reduced in size from the previously refused application, the annex is still substantial and has an internal floor area of approximately 58sqm. Externally, the annex would have a terraced area and a large rear garden. The proposed annex would only appear to share parking facilities with the main dwelling. The internal layout also shows a large bedroom, bathroom, a large kitchen/dining/lounge and a separate hall area with storage. In comparison, the South Yorkshire Residential Design Guide states within the Technical Requirements – Internal Space Standards (page 130) that a 2 bed 3 person property should be a minimum of 62sqm and a 1 bed 2 person property should be a minimum of 47sqm. The proposed annex is therefore significant in size and is the equivalent of an independent 1-2 bedroom dwelling based on the internal floor areas.

The above SPD guidance limit annexes to three rooms, irrespective of size. The provision of a bathroom, kitchen and living areas, in addition to a large bedroom, would mean that there is

no reliance upon the main dwelling for any typical residential facilities. Due to the range of facilities proposed for the unit internally, which is only 4sqm less than a 2 bed dwelling (as explained above), and externally (including a terrace leading to the garden area) it is clear that the proposed annex could be used as an independent residential unit and separate to number 28. The proposal is therefore contrary to the SPD House Extension and Other Alternations guidance, which states that annexes should have a close physical relationship with the main house.

The proposed annex would effectively constitute a dwelling set in a backland position, behind existing dwellings, which is contrary to council policy. Supplementary Planning Document – ‘Design of Housing Development’ sets various criteria on how backland development is assessed and where it can be appropriate, including where there is an existing use on the land and residential development would benefit amenity and the character and appearance of the locality. Section 24 of the guidance states that tandem development, with one dwelling directly in front or behind another sharing the same access which is the case in this instance, will almost always be resisted.

No details have been provided in terms of the occupation of the unit however given the above, the proposed building would be considered as an undesirable form of backland development which would not be regarded as ancillary to the host property and would set a detrimental precedent on account of its size, number of rooms and non-reliance upon the host property and is therefore considered unacceptable and contrary to the above SPD’s and policy GD1 of the Local Plan.

Residential Amenity

The proposal is for an annex set in close proximity to neighbouring gardens. Due to the narrow nature of the garden area, the annex would occupy a significant portion of the garden immediately adjacent to the applicant’s dwelling and close to the boundaries with the attached dwelling to the west, number 30 and the dwelling to the east number 26. As it is clear that, given the size of the building, it could be used as a separate dwelling rather than an annex, other issues such as the impact of the occupation of the building upon the residential amenity of number 28 and the other dwellings along Bar Lane must be taken into consideration.

As stated above, the proposal involves the introduction of a new residential unit which set in a backland position. The site is currently used as part of the garden to number 28, which is a compatible use with the surrounding dwellings and gardens. Due to the close relationship of the site to the adjacent dwellings, the introduction of a new annex on the site would result in a loss of privacy to the adjacent dwellings and their garden areas, by overlooking side windows and general increased disturbance from additional residential activity close to areas in which existing residents could normally expect to be quiet and private. In addition, the close relationship to adjacent dwellings and gardens would mean that the proposed unit would itself suffer from substandard outlook and privacy.

The proposal would therefore fail to comply with Local Plan Policies GD1 and the Supplementary Planning Document House Extensions and Other Domestic Alterations and Design of New Housing Development, in relation to residential amenity and backland development.

Highway Safety

The site is located on B6131 Bar Lane which is a classified road, that is subject to a 30mph speed limit where it passes the site. The property has sufficient parking space for two vehicles and separate parking is not required for an annex.

Given there are no changes to the existing access and parking areas, the Highways Officer has been consulted and has no objections to the proposal subject to a condition which would limit the use of the building so that it would remain ancillary to the main dwelling.

Recommendation

Refuse