

2024/0522

Mr Dave Reed

152 Barugh Lane, Barugh Green, Barnsley, S75 1LL

Erection of 1no. dwelling and associated works

Site Description

The application site is in relation to an undeveloped piece of land to the South of no.152 Barugh Lane, accessed by a private drive which serves no. 152 and several other residential properties. The last known use of the land was for an allotment however there is no planning history for the site to establish this previous use. Barugh Lane is a classified road. The surrounding area is primarily characterised by residential properties with the exception of a public house, the Crown and Anchor which is immediately adjacent to the access to the site.

Planning History

B/91/1715/DT – Erection of detached house with integral garage (Refused)

B/92/0212/DT – Erection of detached dwelling with integral garage (Approved with conditions)

B/92/1125/DT – Outline for erection of detached dwelling (Refused)

2022/0894 – Erection of 1 no. dwelling and associated works (Outline seeking approval over layout and means of access) (Refused)

2023/0825 – Erection of 1 no. dwelling and associated works (Outline seeking approval over layout and means of access) (Approved with Conditions)

Proposed Development



The applicant is seeking full planning permission for the erection of 1 no. dwelling and associated works. The dwelling will be accessed from an existing private drive off Barugh Lane. The dwelling is to be two storeys with a lounge, a combined kitchen/living/dining room, snug and an office on the ground floor and four bedrooms and a bathroom on the first floor. The dwelling is to be detached, located centrally within the plot and featuring an attached single storey garage to the side (north) elevation, and the frontage of the dwelling facing east.

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.

Local Plan Allocation – Urban Fabric

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). In reference to this application, the following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

Policy 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. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

Policy 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.

Policy H4: Residential Development on Small Non-Allocated Sites – Proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with other relevant policies.

Policy H6: Housing Mix and Efficient use of land – Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population. Proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

Policy T3: New Development and Sustainable Travel – New Development will be expected to:

- Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists.
- Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document.

Policy T4: New Development and Transport 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.

Policy Poll1: Pollution Control and Protection – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

Policy BIO1: Biodiversity and Geodiversity – Development will be expected to conserve and enhance the biodiversity and geological features of the borough.

Supplementary Planning Documents

- Biodiversity and Geodiversity
- Design of housing development
- Parking
- Sustainable Travel

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 sections include:

- Section 12: Achieving well designed places

Other Material Considerations

- South Yorkshire Residential Design Guide

Consultations

The LPA's Forestry Officer was consulted and raised no objections.

Darton West Ward Councillors were consulted and raised no objections.

Highways Development Control (DC) were consulted and raised no objections subject to conditions.

Highways Drainage were consulted and raised no objections.

The Mining Remediation Authority were consulted and raised no objections subject to conditions

The South Yorkshire Mining Advisory Service were consulted and raised no objections.

Yorkshire Water were consulted and raised no objections subject to conditions.

Representations

Neighbour notification letters were sent to surrounding properties and a site notice placed in the vicinity of the site, two objections were received and in summary raised the following points.

- The boundary line shown on the proposed drawing between the development and No. 3 The Croft does not align with the drawing shown on the deeds of ownership to No. 3 The Croft.
- The height of the proposed building seems much taller allowed.
- This height will obviously reduce the natural light into No.3's rear garden and severely impact the view of the residents and create a somewhat claustrophobic environment, similar to what is currently being experienced by our neighbours at No.1 The Croft.
- The footprint of the proposal does not resemble the one on the outline application. The grant of outline planning permission conditioned that the building would be of single storey construction. This application is for a much larger two-storey dwelling.
- No approach has been made or consent given by the landowner for the works specified on drawing no 15172 to be carried out. This does not infer that permission will not be given providing agreements can be made.

Issues regarding land ownership and boundary disputes are civil matters and not material planning considerations therefore they cannot be taken into account when determining an application.

This application is a full application for planning permission and not an application for reserved matters in relation to the outline permission. Therefore, the conditions on the outline permission do not need to be complied with and the dwelling can be proposed as two storeys.

Assessment

The main issues for consideration are as follows:

- The acceptability of residential development
- The impact on the character of the area
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards
- The impact on biodiversity

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of Development

Firstly, it must be noted that a previous outline planning permission has been granted for this site (2023/0825) and whilst not implemented, it established the principle of a residential dwelling on this plot with respect to the Local Plan. This weighs considerably in favour of the proposal.

The site is located within an area of Urban Fabric where Local Plan Policies GD1 'General Development' and H4 'Residential Development on Small Non-allocated Sites' apply. These require that development should be compatible with its surroundings. In this case the street is predominantly residential and as such the use of this site for residential uses would be in keeping with the locality.

The site is accessed via a narrow private drive which serves the immediately adjacent dwellings, and the application site is considered to be backland development. The SPD for design of housing development has a dedicated section relating to backland development which reads the following:

As well as the general criteria, including the external spacing standards, backland development should aim to comply with the following:

- *Tandem development, with one dwelling directly in front or behind another sharing the same access, will almost always be resisted.*
- *Piecemeal development, which could prejudice the potential comprehensive development of a larger area of land, should be avoided.*
- *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 (typically in excess of 30m), which would result in excessive 'man carry distances' should be avoided.*
- *Backland development may be more acceptable in circumstances where there is an existing use at the rear of dwellings and where residential development would benefit the amenity of existing residents and the character and appearance of the locality.*

The proposed development does not comply fully with the above policy as it would have a long private drive which is excessive in length (60m) when measured from the start of the access track to the closest point of the site. However, the access track already serves three residential properties, and the site was formerly an allotment. As such, it is felt that the general requirements of developing a backland development/infill plot are achieved. This weighs moderately in favour of the proposal.

In addition to the above, all new dwellings must ensure that living conditions and overall standards of residential amenity are provided for or maintained to an acceptable level both for new residents and those existing. Also, development will only be granted where it would maintain visual amenity and not create traffic problems or reduce highway safety.

Residential Amenity

The proposal involves the erection of a new detached dwelling. Other residential properties are adjacent to all directions north, east, south and west, therefore the impact upon the residential amenity of these properties is an important consideration. The site was previously an allotment but most recently was spare undeveloped land. Due to its location the use of the site for residential purposes is in keeping with the adjacent uses and weighs significantly in favour of the proposal.

In terms of external spacing standards and overlooking, the SPD Design of Housing Development states that a minimum of 21 metres should be achieved between facing habitable room windows, and 12 metres should be maintained between habitable room windows and a blank side elevation. No habitable room windows will face the immediately adjacent dwellings to each side as the habitable room windows are located on the front and rear elevations. Habitable room windows will face the adjacent dwellings to the east and west. The dwelling to the east (Que Sera, 22 Eden Close) is single storey and separated by a highway and a distance of approximately 16.5 metres is maintained to a side elevation. Although this elevation does have two windows, they are not the main habitable room windows which are featured on its front and rear elevations.

The dwelling to the west (3 The Croft) is single storey and separated by the proposed rear garden and its own rear garden and a distance of approximately 24 metres is maintained to a rear elevation. Additionally, a distance of 10 metres is partially maintained to the rear boundary of the site in line with the SPD for Design of Housing Development for the distance expected from first floor habitable room windows and rear boundary lines. This distance does drop to 8 metres to the northern section of the proposed dwelling however this is not deemed to be significantly detrimental to residential amenity. Therefore, the separation distances to these properties are acceptable weighs significantly in favour of the proposal.

The proposal should not cause any significant overshadowing or be overbearing to any neighbouring dwelling, and even though it is set to the south of a neighbouring dwelling (152 Barugh Lane) and is two storeys in relation to this one and a half storey dwelling, the dwelling further south (The Nookings) is also two storeys. A distance of approximately 14 metres is between the two properties when measured from the two-storey part of the proposal which mitigates the impact upon 152 Barugh Lane. The proposed property is also set in line with the dwelling to the north however it is set forward to the dwelling to the south. The dwellings set to the east or west as discussed above are separated due to the highway and the gardens to the rear.

The proposed dwelling has been designed with adequate room sizes and external amenity space of over 100sqm which is in compliance with the standards set within the SPD and the SYRDG. The proposal is considered to be acceptable in terms of residential amenity in accordance with the SPD Design of Housing Development and Local Plan Policy GD1.

Visual Amenity

The street scene consists of a mix of dwelling types however the immediately adjacent properties are single storey and two storeys with all the dwellings being detached, as such development on this site should relate to these adjacent properties. The proposal involves the erection of a detached two storey dwelling with a pitched roof, which in terms of materials will be somewhat anomalous in the street scene however the street scene of this section of Barugh Lane is very varied with the four adjacent dwellings all having different characteristics and materials. Render is present on the dwellings to the north and east and therefore its use on the proposal will not be harmful. This weighs moderately in favour of the proposal.

The siting of the dwelling is acceptable, and it is set in line with the adjacent dwelling to the north. Although set forward the dwelling to the south, this is also a standalone dwelling in the street as it does not share the design of the dwellings adjacent it on Medina Way. With regards the impact on the wider street scene there are no obviously anomalous features on the proposed dwelling and the proposed cladding is not deemed harmful. Furthermore, the fenestration has been reduced on the front elevation to be of a more traditional design. The proposed design and materials are deemed sympathetic to the street scene, and it would not have a negative impact. This weighs moderately in favour of the proposal.

Landscaping and boundary treatments are not indicated on the submitted plans and will therefore be dealt with via conditions. This has limited weight against the proposal. On the whole the development is acceptable in terms of visual amenity and impact upon the street scene in accordance with the SPD Design of Housing Development and policy D1 of the Local Plan.

Highway Safety

There will be no significant impact upon highway safety. In terms of access details, the proposals are not changed from those approved under the outline application 2023/0825. Therefore, no objections are raised from a highway's perspective. This weighs considerably in favour of the proposal.

Biodiversity Considerations

Local Plan Policy BIO1 states that development will be expected to conserve and enhance the biodiversity and geodiversity features by protecting and improving habitats; maximising biodiversity opportunities in and around new developments and encouraging provision of biodiversity enhancements.

Biodiversity Net Gain (BNG) became mandatory for all applications in April 2024 except where one of the exemptions (as set out in the PPG) are met. The PPG states that self-build and custom self-build applications are exempt and therefore a +10% net gain in biodiversity is not required in this instance. Nevertheless, the mandatory BNG conditions still apply, and the onus is on the applicant to appropriately discharge these conditions and demonstrate which exemption is met.

However, the standard biodiversity policies included in the adopted development plan are still relevant including the requirement for all new dwellings to include integrated bat and bird boxes as set out in the adopted Biodiversity and Geodiversity SPD. A condition has therefore been attached to this effect which requires details to be submitted prior to any above ground works. Overall, the biodiversity impacts weighs in moderate favour.

Conclusion

Having balanced all material planning considerations, whilst objections have been received in respect to the proposal, they largely cannot be taken into account due to being civil matters. During the consideration of the application, the proposal was amended to reduce the height from that initially proposed and the condition on the outline permission to limit to a single storey dwelling does not have to be complied with as this is a new full application. Whilst the proposed dwelling will be larger than the previously approved outline, on the larger side as explained in the above assessment its impact whilst initially striking will not be significantly harmful to residential and visual amenity. As a consequence, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations. The proposal is therefore, on balance, recommended for approval.

Recommendation

Approve with conditions