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**2022/0874**

Mr Tyler Hackleton

Erection of two storey side extension and single storey rear extension (Amended Plans)

18 Timothy Wood Avenue, Birdwell, Barnsley, S70 5RX

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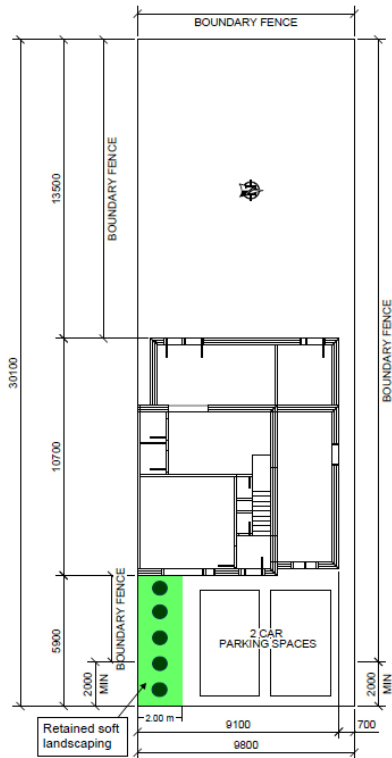
**Site Location & Description**

The application site refers to a residential dwelling – 18 Timothy Wood Avenue – located in Birdwell. The property is red brick and semi-detached, with a hard surfaced parking space to the Front/Northern side leading to a detached shed in the rear garden area. An area of soft landscaping is to the front with a low-level stone wall along the frontage. The site is located in the Urban Fabric in what is an entirely residential area, characterised by a mix of two storey semi-detached houses and bungalows.

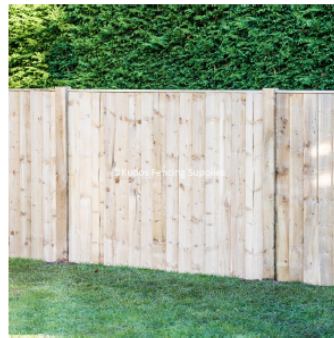


## Proposed Development

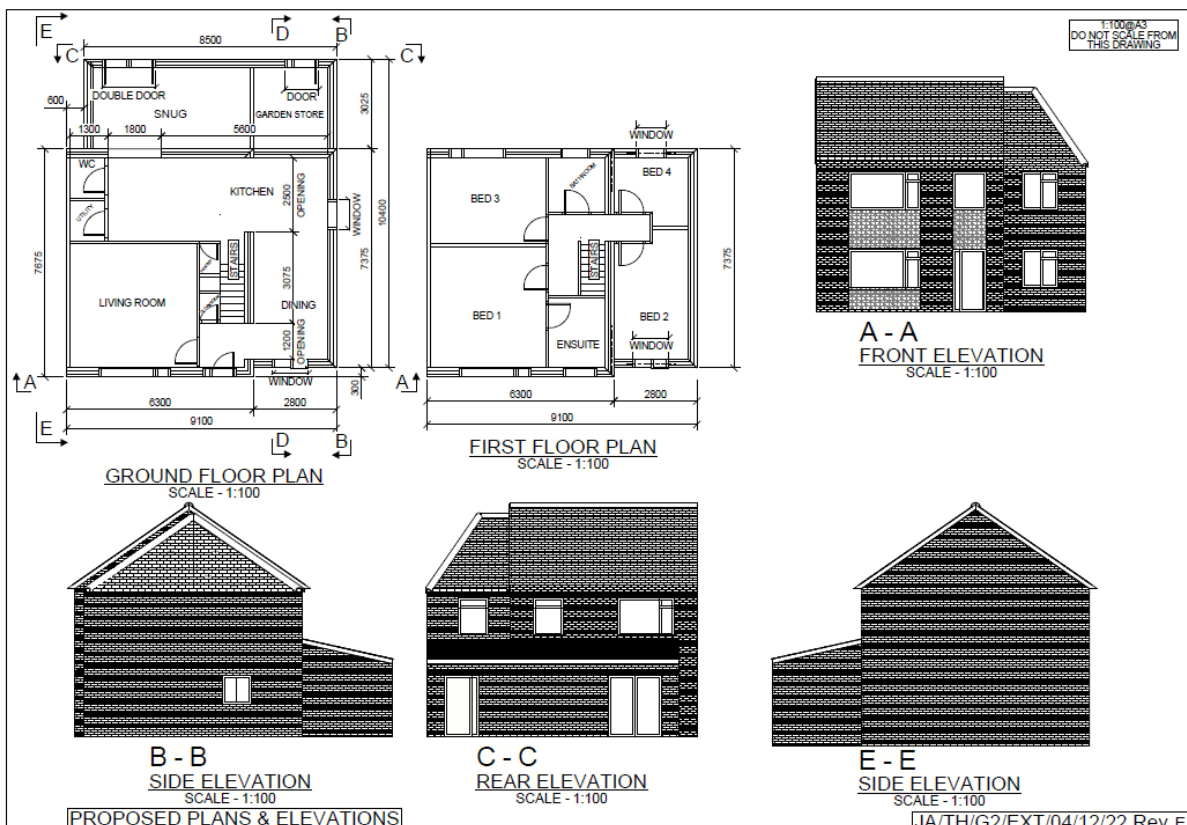
The applicant is seeking approval for the erection of a two-storey side extension to the dwelling and a single storey rear/side extension. The development includes alterations to the parking area on site and the erection of a boundary fence on the boundary line between the applicant's property and no. 16 Timothy Wood Avenue. The two-storey side extension has been amended to include a setback in the front wall and set down in the roof level, with an area of soft landscaping retained to the front of the dwelling.



**SITE PLAN**  
SCALE - 1:150



BOUNDARY FENCE 1.8M HIGH, TO BE SET BACK FROM FRONT BOUNDARY BY MINIMUM 2M



**GROUND FLOOR PLAN**  
SCALE - 1:100

**FIRST FLOOR PLAN**  
SCALE - 1:100

**A - A**  
**FRONT ELEVATION**  
SCALE - 1:100

**B - B**  
**SIDE ELEVATION**  
SCALE - 1:100

**C - C**  
**REAR ELEVATION**  
SCALE - 1:100

**E - E**  
**SIDE ELEVATION**  
SCALE - 1:100

**PROPOSED PLANS & ELEVATIONS**

JA/TH/G2/EXT/04/12/22 Rev E

## **Policy Context**

Planning decision 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.

In respect of this application, relevant policies include:

Section 4: Decision-making - Local planning authorities should approach decisions on proposed development in a positive and creative way. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Section 12: Achieving well designed places - The Government attaches great importance to the design of the built environment. 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.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Within section 12, paragraph 134 is the most relevant which indicates that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

### Local Plan

The new Local Plan was adopted at the full Council meeting held 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough. In reference to this application, the following policies are relevant:

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

Policy GD1: General Development – sets out appropriate proposals for development.

Policy D1: High quality design and place making – sets overarching design principles for the borough to ensure that development is appropriate to its context, and improves what needs improving, whilst protecting what is good about what we have.

Policy T4: New Development and Highway Improvement - 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.

### 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 for 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.

These policies are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings.

### **Consultations**

Forestry Officer – No comment

### **Representations**

Neighbour notification letters were sent to surrounding properties on two occasions – once for the original proposal (September 2022) and once for the amended proposal (December 2022). Comments were received for both consultation periods, which will be outlined below:

#### Original Proposal:

One comment was received objecting to the proposal, raising the following concerns:

1. Both extensions will have a significant overshadowing impact on the neighbouring property's conservatory and side/rear windows. This will have a detrimental effect on the neighbour's access to daylight and sunlight, contravening the right to light act.
2. The proposed kitchen window on the side elevation, unless installed using obscured glazing will have issues of concerns for the neighbouring resident's privacy given the close proximity to the boundary line and will directly overlook into the neighbour's windows and private amenity space.
3. A two-storey extension in such close proximity to a single storey bungalow is out of scale and character with the rest of the street scene.
4. Concerns about the use of the dwelling for commercial purposes, due to the fact that the plans show that part of the extension will be used as a 'therapy/treatment room'. Additional concerns in regard to accessing said room given that it is at the rear of the property and will be accessed by a narrow path (after the extension is built). There are additional privacy concerns with this.
5. Lack of measurements on the plans, especially the distance between the side elevation of the proposed extension and the boundary line.

Other concerns were raised but these are non-material planning considerations such as the removal of a hedgerow of mixed shrubs which were planted by the previous owner and maintained by both properties. The hedgerow provided a clear boundary between the two properties which was never in dispute. This is now unclear given the removal of the fence.

#### Amended Proposal:

Two comments were received to the amended proposal. One of which was from the same neighbour whom objected to the original application and another comment from an

independent surveyor to support the objector's points/concerns. The following points were raised/reiterated:

1. The application has been amended to include a setback for the side extension which complied with some of the elements of Barnsley's SPD within Section 6: Design. However, there appears to be a number of other principles that are not addressed, such as under 3.1 – the extension should not adversely affect the amenity of neighbouring properties and should maintain the character of the street scene.
2. The two-storey extension will be in very close proximity to the boundary, immediately adjacent to a modest sized bungalow which will detrimentally impact the street scene and cause an unsettling juxtaposition of building heights. The SPD also provides guidance that extensions which abut a party boundary will not normally be accepted.
3. The extension will have a significant overshadowing impact on the neighbour's home to the sole windows on the kitchen-diner and bathroom, which are South-facing.
4. The proposed plans give 200mm of space between the extension and a new 1.8m high fence. A planning condition should be imposed to ensure that the fence is erected and maintained properly.
5. The window on the side elevation serving the kitchen will be in very close proximity to the neighbouring property and will have a detrimental impact on privacy
6. The objector retains their objection to the entire application but should the Council be minded to approve, a condition should be attached to ensure that the proposed kitchen window is obscure glazed and the proposed fence is erected prior to construction work starting.

Concerns were also raised in regard to contractors entering the neighbouring land to undertake the building work, which is a non-material planning consideration.

## **Assessment**

### Principle of Development

The site falls within the urban fabric which has no specific land allocation, however the site and immediate surrounding area is made up principally of housing. Extensions, alterations to residential properties (and outbuildings) and the erection of new domestic outbuildings are considered acceptable in these areas where they do not have a detrimental impact on the amenity of surrounding residents, visual amenity or on highway safety.

### Visual Amenity

The sideways projection of the extension (2.8m) is less than two-thirds the width of the existing dwelling (6.3m), which is in line with the limitations of the SPD for House Extensions and Other Domestic Alterations and the overall scale of the extension does not appear excessive when seen from the road. The plans have been amended to show a setback in the front wall level of 0.3m and a set down of 0.2m. This is in line with the SPD which requires a setback and setdown to ensure that two side extensions remain subservient to the existing dwelling but doesn't meet the minimum requirement expected of at least 0.5m. Despite this shortfall, the setback and setdown does ensure that the extension remains subservient in terms of design. This is further helped by the sideways projection only being c.44% the width of the existing dwelling.

The two-storey extension is designed with a hipped roof which doesn't match the existing dwelling and is technically not in line with the SPD which requires extensions to be designed with a matching roof to the existing dwelling. However, there is reasoning behind the roof being designed with a hop as this reduces the overshadowing impact over the neighbouring bungalow to the North (no. 16). A hipped roof has less bulk and mass than a standard

pitched roof which would seek to replicate the existing and would therefore have less of an overshadowing impact. There are other roof styles in the near vicinity including hipped roofs and flat roofs and it is not felt that the proposed roof design will particularly stand out when built.

There are concerns raised by a resident that the addition of a two-storey extension in this close proximity to the boundary line of the property which is not in keeping with the street scene as there is no precedent set for such extensions, close to a neighbouring bungalow and therefore the development would be out of character. This point has been acknowledged and can be understood and in certain cases a street scene drawing is expected for such developments. However, there is a small separation between the proposed side elevation and the boundary line (0.7m) and a separation of c. 4.5m from the elevation and the side elevation of no.16. Whilst this is quite close, it provides some visual and physical separation between the two properties and it is felt that the street scene will not be detrimentally affected.

The existing site has soft landscaping to the front and a low-level boundary wall on the frontage will be partially removed. The amended plan shows that around a third of the soft landscaping to the front will be retained which helps to break up the frontage from an being entirely hard surfaced and is an improvement to the scheme in terms of design and is similar to the neighbouring properties/area.

All things considered, the proposed alterations bring the extension in line with the general design principles of the SPD and the proposed development is considered to be acceptable in terms of visual amenity.

### Residential Amenity

The applicant's property is directly to the South of a neighbouring bungalow (no. 16), with extensions and outbuildings situated directly to the South of neighbouring properties having a greater overshadowing impact than if they were to be orientated in other directions due to the movement of the sun throughout the day. The neighbouring bungalow has two windows on the side elevation – serving a bathroom and kitchen, as well as a porch to the side which features a window on the rear and side elevation, and a door on the front. No. 16 also has a conservatory to the rear of the dwelling which features glazing on the side elevation facing onto the extension. The SPD for House extensions states that '*The Council should seek to protect principal habitable room windows on the front and rear elevations of adjacent properties, but not secondary windows, i.e., halls, stairs, utility rooms, toilets and bathrooms including en-suites, particularly those on side elevations of adjacent dwellings.*'

It is appreciated that the kitchen window on the side elevation of no. 16 is habitable and will be affected by overshadowing, but the SPD is fairly clear in that greater protection should be given to such windows on the front and rear elevations rather than those on side elevations. The side elevation windows will clearly be somewhat affected by overshadowing but there is a separation distance of 4.5m retained and the extension has been designed with a hipped roof which should limit this impact. The two properties are largely in line with one another with the proposed two storey extension to the North and does not project further forward or behind no. 16 and does not impact the front or rear elevation windows to a significant degree. The neighbouring detached garage located to the North-West of the extension will act as a physical and visual obstruction to the neighbouring garden area.

The development also includes the erection of a single storey rear extension which projects 3m to the rear, which is marginally beyond the rear elevation of the neighbouring conservatory. Given the single storey extension has a lean-to roof with a limited height of 3.3m to the roof ridge and there is a separation distance of 4.5m to the side elevation of no.

16, the single storey extension will have a limited overshadowing impact. Again, the existing detached garage located to the rear of no. 16 largely obstructs the extension from the neighbouring rear garden.

The extension features a ground floor window on the Northern elevation serving the proposed kitchen area which faces onto no. 16. concerns were raised in regard to the window looking into the windows of the neighbouring property. However, the applicant also proposed a 2m high fence on the boundary line between the new properties (which is permitted development), subject to neighbour agreement and obscure glazing the proposed kitchen window. This should ensure that reasonable levels of privacy are retained to each property. Should the Council be minded to approve, two conditions will be added to the decision notice which requires both of these elements to be installed prior to first occupation of the extension and retained for the lifetime of the development.

The dwelling is attached to a property (no. 20) to the South, with the proposed two storey extension situated on the Northern side and therefore has very little impact over the attached neighbour. A single storey rear/side extension is also proposed which is clearly in close proximity to no. 20 but has a limited rearwards projection of 3m and a lean to roof with a height of 2.45m to the underside of the eaves and 3.3m to the roof ridge. The majority of the rear extension is therefore permitted development, and only requires permission due to it being classed as a side/rear extension which had a width greater than half of the house. Additionally, the single storey rear is set to the North of the attached property and will have a limited impact on overshadowing. No. 20 has an existing rear extension also.

The two-storey extension does not have a first-floor window on the side elevation but has one on each the front and rear elevations. The rear facing elevation is 16.5m from the rear boundary line which is greater than the minimum 10m expected in the SPD and does not have a detrimental overshadowing impact over the neighbours to the rear.

On balance, the proposed development is therefore considered to be acceptable in terms of residential amenity. It is appreciated that the proposed extensions are set to the South of a neighbouring property which happens to be a bungalow and contains several windows on the side elevation. However, the main affected windows are on the side elevation with the Council's SPD stating that protection will be given to windows on the front and rear elevations, rather than on the side. The proposed extension will not have a significant overshadowing or overbearing impact on the front or rear windows on no. 16. An amended set of plans has been received which show the erection of a 1.8m fence on the Northern boundary line between the applicant's property and no. 16 which will provide screening from the proposed extension to the neighbours. The proposed window on the Northern elevation serving the kitchen will be obscure glazed, secured through a planning condition.

### Highway Safety

The extension is located partially on the existing parking area of the dwelling and the amended plans have provided clarity as to how the parking will be impacted by the development. The amended plans show 2 x parking spaces located to the front of the proposed extension and the existing dwelling which is in line with the Council's Parking SPD. The development includes a 2m high boundary fence on the Northern boundary line with a 2m separation to the road to ensure that adequate visibility will be retained for the parking area. The proposed development is in line with the Parking SPD and Local Plan Policy T4 and is acceptable in terms of highway safety.

## Conclusion

The proposed development has been amended to show a setback and setdown on the two-storey extension, as well as retained soft landscaping to the frontage which will help to break up the frontage from being entirely hard surfaced for parking provision. The sideways projection of the extension is much less (c.44%) than the maximum two-thirds allowed in the SPD. The setback and setdown is less than the minimum 0.5m recommended in the SPD, but given the modest sideways projection ensures that the extension will remain subservient to the host dwelling.

There are concerns raised by a resident primarily in regard to overlooking and overshadowing which can be understood given that the extensions are situated to the South of a neighbouring property. However, the main affected windows are located on the side elevation of the neighbouring property (no. 16) which the Council does not seek to protect as indicated in the SPD. The impact on the attached neighbour to the South (no. 20) is negligible due to the two-storey extension being situated to the North and only a single storey extension residing to the rear, which is borderline Permitted Development. The applicant has agreed to erect the proposed 1.8m high fence on the Northern boundary line prior to the first occupation of the dwelling and install an obscure glazed window on the side elevation serving the kitchen.

The amended plans clarify the parking situation with space for 2 vehicles to be parked on site and the proposed fence not being within 2m of the highway for visibility purposes. The arrangement is in compliance with the Parking SPD and Local Plan Policy T4 and is acceptable in terms of highway safety.

On balance, the proposed development is considered to be acceptable.

## **Recommendation**

**Approve** with conditions