

Applicant: Mr Gordon Bird

Description: Erection of 1 no. dwelling and associated works including upgraded access road (Outline seeking approval over means of access, layout, landscaping and scale)

Site Address: Land to the rear of 266 Dodworth Road, Barnsley, S70 6PN

Site Location and Description

The site is located to the South of residential properties fronting Dodworth Road and West of residential properties fronting Hunters Avenue. The site is currently occupied by a detached bungalow and its associated curtilage. Access is taken via a private driveway which leads from Dodworth Road, between numbers 262 and 266. Within the site there are areas of hardstanding to the front of the existing bungalow as well as outbuildings to the East of the site. There are existing trees within the redline boundary which are largely limited to the Eastern boundary.

The neighbouring properties to the North are largely 2 storey semi-detached, inter war dwellings with the properties to the East, predominantly larger detached dwellings. To the West of the site are gardens associated with neighbouring properties and to the South are open fields.

It should be noted that Dodworth Road is a principal route into and out of Barnsley Town Centre and also provides access to Barnsley Hospital, via Pogmoor Road. Junction 37 of the M1 motorway is a short distance to the South West of the site entrance and directly serves Dodworth Road. A new Gyratory is being constructed a short distance to the North East of the site on Penny Pie Park due to the volume of traffic in the area.



Site History

2020/1478 - outline permission (inc. access, landscaping, layout, and scale) for the erection of 4no. detached bungalows.



Refused for the following reasons.

In the opinion of the Local Planning Authority the proposed development would result in the intensification of the use of a vehicular access onto Dodworth Road (A628) which is a main arterial route leading from junction 37 of the M1 into Barnsley. Vehicles attempting to take a right turn out of the development would need to negotiate this busy arterial route with limited opportunity to do so given that heavy flow at peak times results in limited gaps within the flow of traffic to allow vehicles to cross the carriageway. Vehicles making a right turn into the site would result in traffic blocking back toward the signals at the J37 roundabout which would have a significant impact on the free flow of traffic on this highly sensitive part of the highway network to the detriment of road safety. The proposal is therefore contrary to Local Plan Policies T4 'New development and Transport Safety', GD1 'General Development', D1 'High Quality Design and Place Making' and paragraph 108 of the NPPF

In the opinion of the Local Planning Authority the proposal represents an undesirable form of tandem and backland development that would not benefit from the 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 the proposal is considered to be of poor design that would fail to improve the character and quality of the area and the way it functions which is contrary to Local Plan Policy GD1, Local Plan Policy D1, the Council's Supplementary Planning Documents (SPD) - Designing New Housing Development and paragraph 127 of the NPPF.

In the opinion of the Local Planning Authority, the proposed development would be materially detrimental to the amenities of the neighbouring properties by reason of disturbance from increased residential and vehicular activity. As such, the proposed development would be

contrary to Local Plan Policy GD1 'General Development' and the Council's Supplementary Planning Document 'Design of Housing Development'.

In the opinion of the Local Planning Authority the proposed development would be contrary to Local Plan Policy H9 'Protection of Existing Larger Dwellings' in that the proposed dwellings would have an adverse impact on the setting of the original dwelling and the size of the remaining garden area.

Proposed Development

The applicant seeks Outline permission (including means of access, layout, landscaping and scale) for 1no. detached 3-bedroom bungalow and associated works, including upgraded access road. The dwelling would be located in the curtilage of number 264 Dodworth Road.

The property would be sited immediately to the east, albeit at an oblique angle to the host property, 264 Dodworth Road. The dwelling would be of a traditional brick construction with a concrete tiled roof. The eaves and ridge height would be identical to that of the host property. A private driveway would lead of a shared turning head and existing garaging would be retained. The garden would extend to agricultural fields to the rear.

In addition, it is also proposed to close the existing private driveway of no.266 Dodworth Road therefore removing any need for vehicles to reverse out onto Dodworth Road. Two dedicated parking spaces would be provided within the rear, these would be accessed via an improved driveway serving the proposed dwelling, no.264 and the proposed new parking spaces for no.266. The driveway would be widened and constructed to an adoptable standard. Acoustic boundary treatment would be constructed along the boundary to no. 262 Dodworth Road with soft landscaping presented to the driveway.



Policy Context

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

Policy H1 The Number of New Homes to be Built

Policy H4 Residential Development on Small Non-Allocated sites

Policy H9 Protection of Existing Larger Dwellings

Policy T4 New development and Transport Safety

Policy SD1 Presumption in favour of Sustainable Development

Policy LG2 The Location of Growth

Policy GD1 General Development

Policy D1 High Quality Design and Place Making.

Policy Poll1 Pollution Control and Protection

Policy BIO1 Biodiversity and Geodiversity

Policy CC1 Climate Change

Policy CC2 Sustainable Design and Construction

SPD's

Those of relevance to this application are as follows:

- Designing of housing Development
- Parking

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 subject to conditions

SYMAS – No objection subject to a condition

The Coal Authority – No objections subject to a condition

Air Quality Officer – no objections subject to conditions

Highways – No comments but objected and recommended refusal on previous application

Drainage – No objections, Building Control to check

Biodiversity Officer – No objections subject to condition

Ward Councillors – No comments

Representations

The application was advertised by way of neighbour notification letters to 22no properties, site notice and press notice. As a result of the consultation process 5no. objections have been received. The main points of concern are;

- Reduced highway safety
- Increase in traffic
- No visitor parking proposed
- Increased pollution
- Increase in noise and disturbance
- Loss of habitat
- Loss of Trees/hedges
- Inaccuracies in Planning Statement
- Impact on sewers
- Increased overlooking/loss of privacy
- Acoustic fence oppressive

Assessment

Principle of development

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.

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.

Policy H9 is also relevant in this case which states that development within the curtilage of existing larger dwellings will be resisted where it will have an adverse impact on the setting of the original dwelling, and the size of the remaining garden area. The supporting text also states that the Government has changed the designation of garden areas from 'brownfield land' to 'greenfield land' in an attempt to resist additional houses within the curtilage of larger homes, known as 'garden grabbing', as this has also had an adverse impact on larger housing stock.

The site is also in a 'Backland' location where SPD 'Design of Housing Development' states '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'. It also states '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'.

It should also be noted that the Council currently has a 5-year housing land supply, as such, there is no justification for developments which do not meet all the relevant policies and guidelines.

Furthermore, a residential development has already been refused on the site for the reasons outlined in the site history

Design / Visual Amenity

The application is at outline state and appearance is a reserved matter, as such, the appearance of the proposed dwellings would be considered in more detail at that stage, however, the applicant is applying for layout, scale and landscaping and has provided a site layout and cross sections.

It is noted that since the previous refusal the number of proposed dwellings has been reduced from 4no to 1no. which allows for more 'breathing' space around the host property and the proposed property. The plans demonstrate that the dwelling would be a hipped roof bungalow with some hipped roof projections from the main body of the building, similar to number 264. However, the proposed bungalow would be angled away from the host property and would not face the access point, it would also have a smaller footprint and narrower plot compared to the host.

Furthermore, even though the revised plans would overcome some of the previous applications layout and appearance issues, the principle of the development would still be the same in that the development is in a backland location, as such, reason for refusal one would still be relevant and would not have been addressed;

In the opinion of the Local Planning Authority the proposal represents an undesirable form of tandem and backland development that would not benefit from the 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 the proposal is considered to be of poor design that would fail to improve the character and quality of the area and the way it functions which is contrary to Local Plan Policy GD1, Local Plan Policy D1, the Council's Supplementary Planning Documents (SPD) - Designing New Housing Development and paragraph 127 of the NPPF.

It should be noted that since the previous refusal the NPPF has been updated, as such, the relevant paragraph is now 130 not 127.

Residential Amenity

Given the number of proposed properties has been reduced from 4 to 1, the relevant separation distances set out in SPD 'Design of Housing Development' are now achieved. The proposed

internal and external spacing would also meet the requirements of the South Yorkshire Residential Design Guide.

It is noted that the site currently is occupied by a dwelling as such there is activity on the site and to the rear of existing neighbouring properties. It is also noted that a noise report has been submitted in support of the application which states the increased noise and disturbance through vehicular movements and residential activity would not be excessive, there is also an acoustic barrier proposed to minimise the noise further.

However, this is an area which neighbouring residents could have reasonably expected to remain free from further development given that it relates to a dwelling and its associated curtilage. The Government has changed the designation of garden areas from 'brownfield land' to 'greenfield land' in an attempt to resist additional houses within the curtilage of larger homes, known as 'garden grabbing'.

The development would likely result in additional vehicles on the site as well as additional residents. Although the noise report might state that the noise levels would not be technically unreasonable, they would nevertheless be annoying to neighbouring residents, especially in close proximity to their private amenity spaces, despite any acoustic fencing which maybe proposed. As such, the development would have a detrimental impact to residential amenity, contrary to Local Plan Policy GD1.

SPD 'Design of Housing Development' states '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'. However, as outlined above, the proposed development would not benefit the amenity of existing residents, as such, the development is contrary to the SPD. Therefore, the development would have an adverse impact on larger housing stock and would be contrary to policy H9.

Policy H9

Policy H9 states that development within the curtilage of existing larger dwellings will be resisted where it will have an adverse impact on the setting of the original dwelling, and the size of the remaining garden area.

The addition of the proposed dwelling within close proximity to the larger dwelling will undoubtedly have an impact on the setting of the original dwelling and the size of the remaining garden. Although, the remaining garden would exceed the requirements of the SPD it would be much reduced compared to the existing. In some circumstances it could be argued that by creating additional larger dwellings within the curtilage of an existing larger dwelling that could benefit the stock of that type of housing (larger dwellings are considered to be that of 4 or 5 bedrooms or capable of accommodating 4 or 5 bedrooms without significant adaption). However, in this instance an existing larger dwelling would be impacted upon to create a smaller 3 bed dwelling.

Highways Safety

The proposal would utilise an existing drop kerb and driveway which is accessed directly from Dodworth Road. Dodworth Road (A628) is a main arterial road leading from junction 37 of the M1 into Barnsley. The volume of traffic on this road has led to the recent approval of a Gyratory system within close proximity of the site on Penny Pie Park adjacent to the existing signalled junction between Dodworth Road, Pogmoor Road and Broadway.

The proposals would be to utilise and improve the existing access which serves no.264 Dodworth Road as follows:

- Carriageway widening at the Site entrance to provide a 4.8m width over the first 10m, including a 5m taper.
- 4m Kerb radii
- A minimum carriageway width of 4.8m.

- 2m wide footway
- A turning facility suitable to accommodate a fire appliance; and
- Relocation of access of no.266 Dodworth road from the internal access and closure of existing entrance.

The Proposed property would be provided with 2no. in curtilage parking spaces in line with SPD 'Parking'.

A revised Transport note has been prepared by Optima Highway Solutions which comprehensively assesses highway considerations. The Report addresses the following:

- Planning History
- Personal injury collision Data
- Proposed Access Arrangements
- Trip Generation Highways and transport characteristics of the locality.
- Servicing
- Right Turning traffic
- Speed survey of Dodworth Road; and
- Traffic survey and Trip generations assessment.

As before, it should be noted that a scheme directly opposite the entrance to this site was refused (ref:2015/0199) and dismissed at appeal (Ref: APP/R4408/W/15/3141763) partially on highway safety grounds. The Inspector stated;

The A628 Dodworth Road is a main arterial road leading from junction 37 of the M1 into Barnsley. Traffic data records a two-way daily traffic flow of some 26,000 vehicles which gives some idea as to its importance to the strategic highway network and how busy it is. It is subject to a speed limit of 30 miles per hour and there are parking restrictions along the site frontage on Dodworth Road between 0730 hours and 1800 hours. The site is located a short distance to the east of the roundabout which is the M1 interchange. In the vicinity of the site the A628 is a two-way carriageway road with 2 lanes in a nearside direction travelling towards Barnsley and one lane outbound travelling west to the M1. The nearside inside lane is marked for drivers travelling to Barnsley and the local hospital and the outside lane is marked for through traffic along the A6133.

I have been supplied with accident data from January 2010 to December 2014 which records 6 incidents in a four-year period all of which resulted in minor injuries. I accept that the accident data does not evidence clusters of any significance or common causation factors. However, five of these incidents are in the vicinity of the site and three of them appear to involve vehicles which were proceeding along the carriageway and were held up. This indicates to me that interruptions to the free flow of traffic appear to have been a causal factor in at least some of these minor accidents.

I have noted that there are some 68 dwellings which front and have direct access onto Dodworth Road between the roundabout and the traffic signals at Pogmoor Road. I have also looked at the dwellings located on Hunters Road which runs off the southern side of Dodworth Road. However, the appeal site is located in a particularly difficult location, just a short distance from the point where vehicles are rounding the traffic island and making lane changes. This location combined with the intensification of the use of the new access and the configuration of the access adjacent to the track and another domestic driveway would make the overall effect on highway safety unacceptable. Even on the appellant's evidence of an additional 24 to 32 daily vehicle movements, I conclude that this would be unacceptable in this location.

In terms of the Councils Highways Officer, they have also raised serious concerns with the proposal regardless of the proposed amendments to the access drive, as outlined below;

I would be unable to support to the creation of an access/intensification of the exiting private drive to serve the rear of 266 Dodworth Road due to serious highway safety concerns.

Dodworth Road is a main arterial route into the town centre within excess of 27000 vehicles using it daily. Vehicles attempting to take a right turn out of the development would need to cross two

lanes of traffic with little opportunity do so. Heavy flow at peak times results in limited gaps within the flow of traffic to allow vehicles to cross the carriageway and in situations such as these, we are often presented with aggressive driving or risk taking as a result. Vehicles making a right turn into the site could result in traffic backing up toward the signals as you exit the J37 roundabout which would have a significant impact on this highly sensitive part of the highway network.

Furthermore, I do not share the view that the development is not comparable to that of the site opposite which was refused planning permission and later dismissed at appeal on highway safety grounds.

It is noted that the number of proposed properties have significantly reduced and further improvements to the access drive have been put forward, however, it is the principle of the additional vehicles using that access/exit point onto the A628 which is the issue. It is also noted that the existing drive serving number 266 would be blocked and moved to the improved access road which could avoid vehicles reversing from number 266 onto the A628, however, that could be achieved now to improve highway safety, without having to justify an additional property.

It is acknowledged that each case should be assessed on its own individual merits, however, if this application for the intensification for an access onto Dodworth Road was approved, it would make it increasingly difficult for the LPS to resist similar future applications which would further intensify the traffic along the busy route.

As such, for the reasons outlined above, the development would reduce highway safety and the free flow of traffic, contrary to Local Plan Policy T4. Therefore, the previous reason for refusal has not been fully addressed.

Trees

A full Arboricultural impact assessment has identified a total of 39 individual trees and 2 groups within the site. The majority of these trees (31) falls within retention category 'C', the highest value comprises of 6 category 'B' trees.

A total of 11 trees are required for removal which is a reduction to that previously considered. These trees requiring removal are category C and are not of a significant amenity value. Their loss would not result in any significant impact upon local amenity and as such can be adequately compensated for by replacement planting.

Retained trees would be protected through the development as the layout presents an ideal opportunity to undertake new tree planting throughout the site as part of a soft landscaping scheme.

Ecology

The Councils Ecology/Biodiversity Officer has raised no objections, subject to conditions. Opportunities are presented to secure biodiversity net gain, this can be achieved through the provision of bird and bat boxes/bricks and the planting of native species hedgerows. This would be appropriate to the scale of development proposed and can be conditioned to address requirements of policy BI01.

Mining

The applicant has provided a coal mining risk assessment by Lyons CMC. The report indicates the land is potentially at risk from coal mining legacy risks such as ground instability if shallow coal mine workings are present within a critical depth of the surface. The report concludes that further investigation works are required if planning permission is granted.

SYMAS and the Coal Authority concur with the report findings and have raised no objections subject to a condition recommending as such.

Recommendation: Refuse

In the opinion of the Local Planning Authority the proposed development would result in the intensification of the use of a vehicular access onto Dodworth Road (A628) which is a main arterial route leading from junction 37 of the M1 into Barnsley. Vehicles attempting to take a right turn out of the development would need to negotiate this busy arterial route with limited opportunity to do so given that heavy flow at peak times results in limited gaps within the flow of traffic to allow vehicles to cross the carriageway. Vehicles making a right turn into the site would result in traffic blocking back toward the signals at the J37 roundabout which would have a significant impact on the free flow of traffic on this highly sensitive part of the highway network to the detriment of road safety. The proposal is therefore contrary to Local Plan Policies T4 'New development and Transport Safety', GD1 'General Development', D1 'High Quality Design and Place Making' and paragraph 110 of the NPPF.

In the opinion of the Local Planning Authority the proposal represents an undesirable form of tandem and backland development that would not benefit from the 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 the proposal is considered to be of poor design that would fail to improve the character and quality of the area and the way it functions. Furthermore, the proposed development would be materially detrimental to the amenities of the neighbouring properties by reason of disturbance from increased residential and vehicular activity. Therefore, the development is contrary to Local Plan Policy GD1, Local Plan Policy D1, the Council's Supplementary Planning Documents (SPD) - Designing New Housing Development and paragraph 130 of the NPPF.

In the opinion of the Local Planning Authority the proposed development would be contrary to Local Plan Policy H9 'Protection of Existing Larger Dwellings' in that the proposed dwelling would have an adverse impact on the setting of the original dwelling and the size of the remaining garden area.