
2024/0919

Sutcliffe

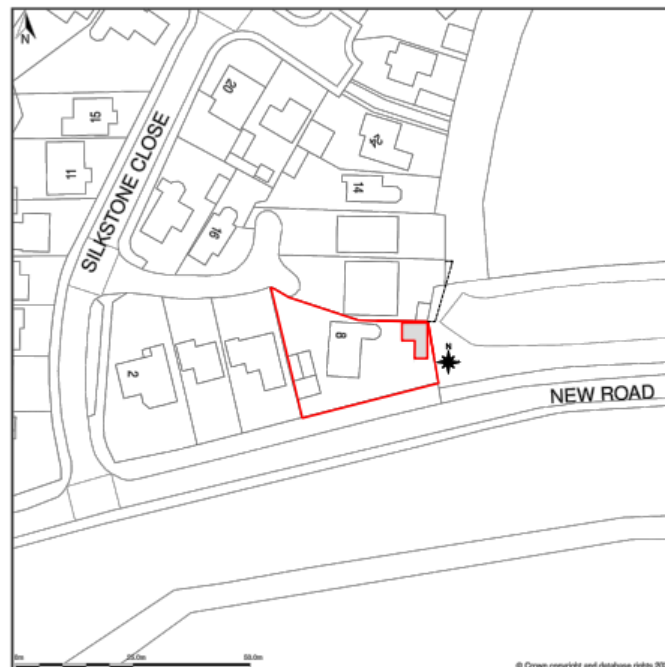
8 Silkstone Close, Pilley, Barnsley, S75 3AZ

Residential Annexe (Retrospective).

Site Description

The application relates to a modest sized plot located at the end of Silkstone Close – a residential cul-de-sac characterised by two-storey detached dwellings of a similar scale and appearance. The topography of the surrounding area falls steadily north-to-south.

The property in question is a two-storey detached dwelling positioned to the south-east of the end of the cul-de-sac. The application dwelling benefits from previously approved extensions to the side and rear. It is constructed of dark coloured brick and has a pitched roof and a street-facing gable projection with grey coloured roof tiles. The upper half of the gable projections adopts a mock Tudor appearance. The dwelling is fronted by a detached garage, driveway and some soft landscaping. To the rear is a larger private garden with an existing single storey detached annexe on stilts positioned to the north-east corner of the plot. The site is bounded by timber fencing with trees beyond to the east and south. Lidge Lane greenspace is located to the east, which is also in the Green Belt.



Planning History

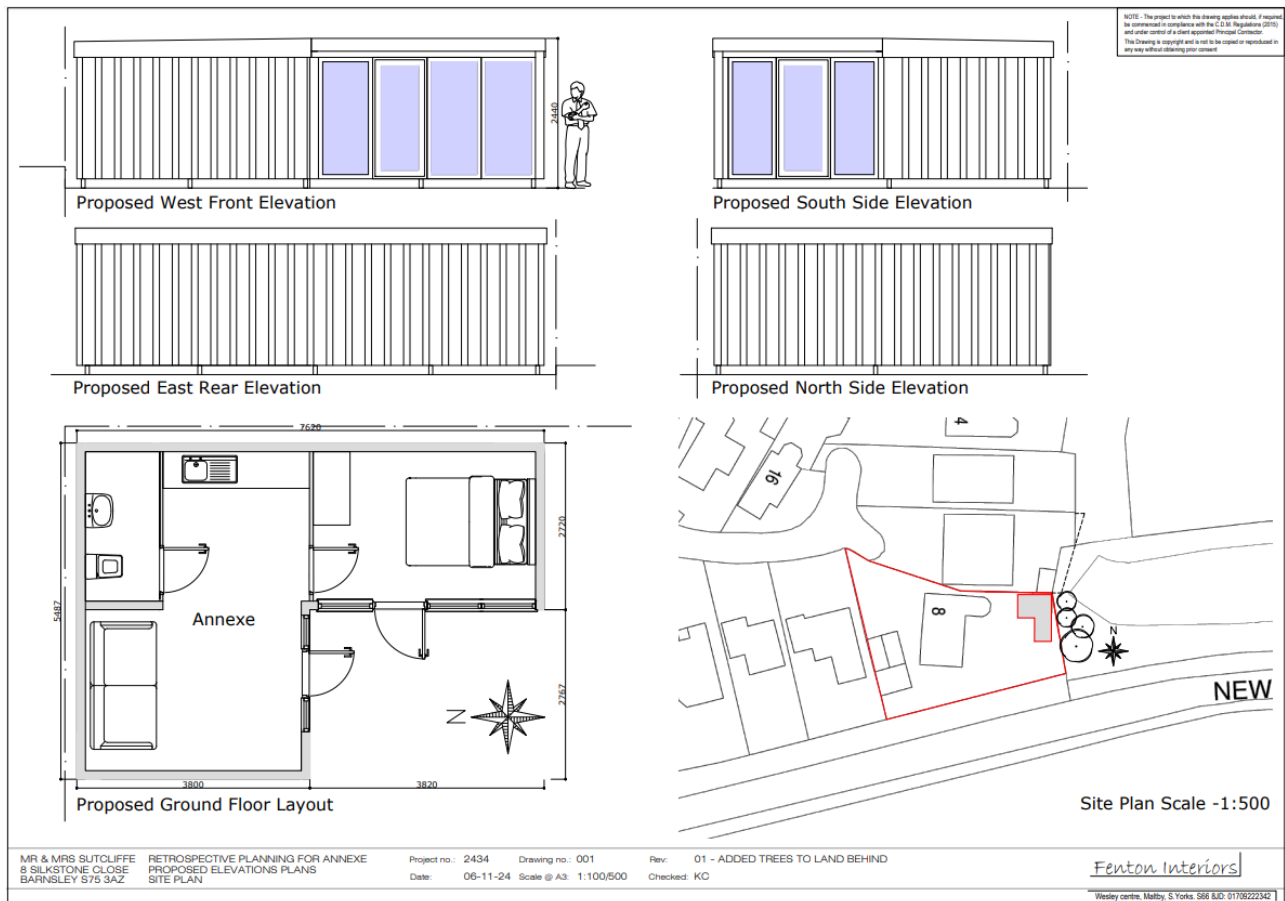
There is an extensive planning history associated with the application site, but the most recent and relevant applications are as follows:

1. B/99/0327/WO – Erection of rear conservatory extension. – Approved.
2. B/02/1488/WO – Erection of two-storey side extension. – Approved.
3. 2006/1543 – Erection of extension to garage. – Approved.

Proposed Development

The applicant is seeking retrospective permission for the erection of a detached residential annexe.

The retrospective annexe has adopted an L-shaped form that measures approximately 5.5 metres in depth and approximately 7.6 metres in width. It has a flat roof with a height of approximately 2.45 metres, is supported by stilts on flagstones and has a floorspace of approximately 31.15m².



Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (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 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 which are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 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

The site is allocated as urban fabric in the adopted Local Plan which has no specific land allocation. Therefore, the following policies are relevant:

- ***Policy SD1: Presumption in favour of Sustainable Development.***
- ***Policy GD1: General Development.***
- ***Policy D1: High quality design and place making.***
- ***Policy T4: New Development and Transport Safety.***
- ***Policy GB1: Protection of Green Belt.***

Supplementary Planning Document(s)

- ***House Extensions and Other Domestic Alterations.***
- ***Parking.***
- ***Trees and hedgerows.***

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 policies include:

- ***Section 12: Achieving well-designed places.***

Other Material Consideration

- ***South Yorkshire Residential Design Guide 2011.***

Consultations

Planning Enforcement	No response.
Tannersley Parish Council	No response.
Parks Services	No objection.
Forestry Officer	No objection.

Representations

Neighbour notification letters were sent to surrounding properties, and two objections were received from one address. The objections were received over three emails dated 13th November 2024, 28th November 2024 and 2nd December 2024.

The following concerns which are material planning considerations were raised:

- The size and location of the annexe is having a detrimental effect on our quiet enjoyment of our property. The building is situated too close to my boundaries, and it overextends the height the size.
- The dimensions have been minimised on the plan. The annexe is approximately 4 metres high and towers over our garden fence.
- The annexe is so close to our back garden that we can hear the toilet being flushed. In addition, the toilet vent faces towards our back seating area. This is thoroughly unpleasant when we are sitting out in the garden.
- The building is used for sleeping in which is not legal.
- The annexe potentially could have all kinds of people coming and going.
- The building has been erected without planning permission.
- There are mature trees directly at the back of the structure.

The following concerns which are not material planning considerations were raised:

- The building does not conform to any regulations.
- The building has been plumbed into all the utilities.

Whilst all concerns are acknowledged, only those which are material planning considerations can be taken into account.

Whether or not the retrospective annexe conforms to Building Regulations, including plumbing, is a matter for other regulatory stages. It is the responsibility of the applicant to ensure that they have all the necessary permissions and approvals. The applicant was advised of this during a site visit held on 13th December 2024.

Assessment

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

During the application process, the applicant explained that the structure, which is now described as a residential annexe, was implemented under the provisions of the Caravan Sites and Control of Development Act 1960 and that they believed the development did not require planning permission.

Class A, Part 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows the use of land, other than a building, as a caravan site in the circumstances referred to in paragraph A.2.

Development is permitted by Class A subject to the condition that the use is discontinued when the circumstances specified in paragraph A.2 cease to exist, and all caravans on the site are removed as soon as reasonably practicable.

The circumstances specified in paragraph A.2 are those specified in paragraphs 2 to 10 of Schedule 1 to the 1960 Act (cases where a caravan site licence is not required).

Whilst paragraph 1 of the First Schedule of the Caravan Sites and Control of Development Act 1960 states “A site licence shall not be required for the use of land as a caravan site if the use is incidental to the enjoyment as such of a dwellinghouse within the curtilage of which the land is situated.”, this is not a permitted circumstance as specified by paragraph A.2, Class A, Part 5 of Schedule 2 of the GPDO.

It is therefore considered that the structure does require planning permission.

Detached outbuildings or annexes within domestic curtilages are acceptable in principle if proposals would remain subsidiary and would be of a scale and design which would be appropriate to the host property. Development should also not be detrimental to the amenity afforded to adjacent properties, including visual amenity and highway safety.

The application site is bounded by Green Belt land to the east but is not in the Green Belt. As such, a separate Green Belt Assessment is not required. However, an assessment will be made regarding visual amenity and the impact on the openness and character of the Green Belt.

Residential Amenity

Detached outbuildings or annexes within domestic curtilages are considered acceptable if proposals would not adversely affect the amenity of neighbouring properties.

During the application process, concerns were raised regarding the size and location of the annexe, the sound from and location of a toilet vent and the potential for numerous people to be coming and going from the application site.

The retrospective development is positioned to the south of the rear curtilage of 10 Silkstone Close. It is therefore acknowledged that some overshadowing could occur. However, any potential impact is likely to be limited to a relatively small part of the neighbouring curtilage immediately adjacent to the boundary fence with no impact on rear habitable room windows. The application site is set below the neighbouring curtilage, and the annexe adopts a restrained roof height of approximately 2.45 metres, in accordance with the House Extensions and Other Domestic Alterations SPD. Whilst concerns were raised regarding the accuracy of the measurements shown on the plans, with it being claimed that the height of the annexe is 4 metres, the height of the annexe was measured during a site visit held on 13th December 2024, and the measurements shown are accurate. Moreover, if the structure was not being used for the purposes of an annexe, it could have been implemented using permitted development rights under Class E, Part 1 of Schedule 2 of the GPDO, as its footprint, height and distance from the adjacent party boundary would not exceed the limits specified by the legislation. There are no other requirements for the annexe to be set away from the party boundary in planning terms, especially where its height is considered acceptable, and the development would not be detrimental to the amenity of the occupant(s) of neighbouring properties. As such, this weights significantly in favour of the development.

No windows are located the north-facing elevation of the annexe, and the glazing that is featured is limited to the west and south-facing elevations. These elevations face into the application site and away from surrounding neighbouring properties. The L-shaped form of the annexe also maintains a reasonable degree of privacy for both the occupant(s) of the adjacent neighbouring property and the annexe. This weights significantly in favour of the development.

The retrospective development does not result in reduced levels of outlook. This weights significantly in favour of the development.

The retrospective development does not cover a disproportionate amount of the rear garden and the internal floorspace of the development complies with the design guidance of the House Extensions and Other Domestic Alterations SPD. It is understood that the development is currently being used by a close relative of the of the occupant(s) of the main dwelling to provide essential care and support to them due to ongoing health and mobility issues. This use would continue. The annexe use would remain ancillary to the main dwelling with some reliance maintained and shared facilities, including vehicular parking and garden space.

Considering the above, the use of the development as a residential annexe is considered acceptable in this instance. If approved, the development will be subject to conditions which require the annexe to remain ancillary, to be used by the same family occupancy and one which prevents it being used, sold or rented as an independent dwelling or separated planning unit at a later date.

The proposal is therefore considered to comply with Local Plan Policy GD1: General Development and would be acceptable regarding residential amenity.

Visual Amenity

Detached outbuildings or annexes within domestic curtilages are considered acceptable if proposals would not significantly alter or detract from the character of the street scene. Proposals should also sympathetically reflect the style and proportions of the existing dwelling.

The retrospective development is located in the rear garden of the application dwelling and is not a prominently visible or dominant feature within the street scene and surrounding public realm and does not therefore significantly alter or detract from the existing character. Moreover, the annexe is not disproportionately sized, and whilst its appearance, including the flat roof and external materials, is not necessarily sympathetic to the existing dwelling, the development has a negligible impact on visual amenity overall. The development is also entirely reversible due to its moveable structure. This weighs modestly in favour of the development.

The application site is bounded by Green Belt to the east. However, the retrospective development has been implemented within the existing residential curtilage and is made of appropriate materials. As such, the development does not harm the openness or character of the Green Belt.

The proposal is therefore considered to comply with Local Plan Policy D1: High Quality Design and Placemaking and would be acceptable regarding visual amenity.

Highway Safety

The retrospective development is not prejudicial to highway safety. The existing site access and off-street parking provision has been retained. This weighs modestly in favour of the development.

The proposal is therefore considered to comply with Local Plan Policy T4: New Development and Transport Safety and would be acceptable regarding highway safety.

Trees

During the application process, a concern was raised regarding mature trees located to the rear of the annexe.

Trees are located to the south and east of the application site. As such, the Council's Forestry Officer was consulted, and it was discussed that whilst applying retrospectively is not ideal, the annexe is set forward of the rear boundary and tree line with a sufficient gap left as to enable the maintenance of the trees using the common law right to cut back overhang. The annexe also has the benefit of an entirely moveable and reversible structure that is supported by stilts on flagstones with no need for digging or permanent foundations that could otherwise be potentially more harmful. Whilst there may have been some impact on trees in the vicinity, it is considered that any requirement to carry out additional works could present further unnecessary harm. The Forestry Officer therefore raised no objections in this instance. Parks Services were also consulted, and no objections were raised. This weighs moderately in favour of the development.

Planning Balance and Conclusion

In considering the above assessment, the retrospective development is considered to be acceptable regarding residential and visual amenity and highway safety. The development complies with the design guidance for annexes in the House Extensions and Other Domestic Alterations SPD and also allows for the maintenance of nearby trees using the common law right to cut back overhang. The development provides convenient and suitable habitable space to enable the provision of essential care and support to the occupant(s) of the main dwelling by a close relative due to health and mobility issues. This application is therefore recommended for approval.

**Recommendation -
Approve with Conditions**