

2024/0419

Mr Marcin Jeziorek

41 Broomhead Road, Wombwell, Barnsley, S73 0SA

Erection of single storey rear extension and rendering of side elevation of two storey semi-detached dwelling

Site Description

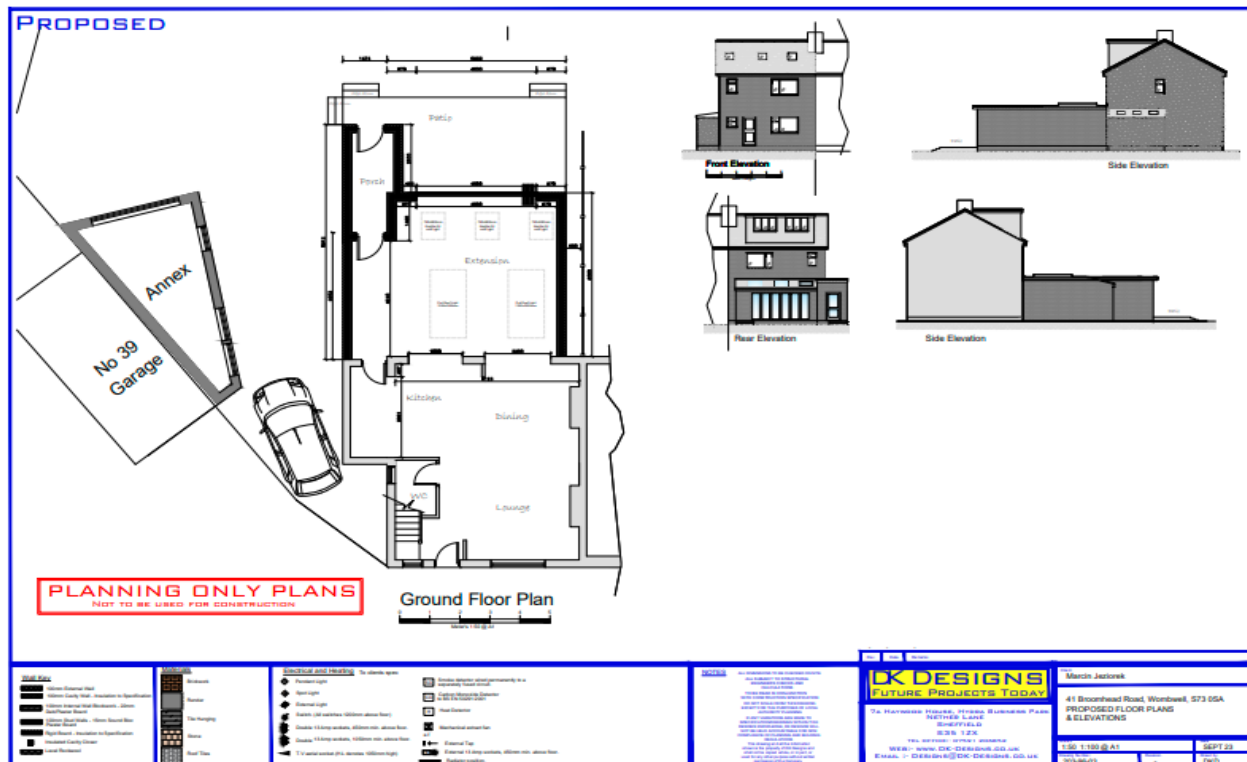
The dwelling is a brick built two-storey semi-detached dwelling located in Wombwell. Broomhead Road has a consistent residential street scene featuring brick built two-storey dwellings. The dwelling has a shared driveway to the side. To the rear is a large garden, various outbuildings, a previously approved partially built extension and a converted annex.

Planning History

Application Reference	Description	Status
2017/1110	Roof extension, rear dormer extension, single storey side/rear extension to dwelling and erection of detached annex (Amended Plans)	Approved with Conditions
2018/0631	Roof extension, rear dormer extension, single storey side rear extension to dwelling and erection of detached annex (re-submission) (part retrospective)	Approved with Conditions
2022/0145	Single storey rear extension projecting out 6m, with an eaves height of 3m and an overall height of 4m (Householder Prior Approval)	Prior Approval Not Required
APP/R4408/C/22/3309997 - Enforcement appeal	Unauthorised construction of a rear extension to the dwellinghouse; and the construction of a rear garden boundary wall which exceeds 2 metres in height.	Appeal dismissed - Enforcement notice upheld
APP/R4408/C/22/3309992 - Enforcement appeal	Material change of use of the land to a mixed use comprising a residential dwellinghouse (Class C3) and use of a garden outbuilding for holiday accommodation or separate occupation not incidental to the dwellinghouse	Appeal allowed - Enforcement notice quashed - Planning permission granted
2023/0887	Erection of single storey rear extension	Refused
APP/R4408/D/23/3333935 - Appeal of 2023/0887	Erection of single storey rear extension	Appeal dismissed

Proposed Development

The applicant seeks approval for the erection of a single storey rear extension and rendering of a side elevation. The rear extension will project 6 meters with a further projection of 2.65 metres off the side and has a total width of 7.4 meters with the further projection reducing to 2 metres in width away from the adjacent dwelling. The extension features a flat roof with a slight lean-to with a total height of 3.25 meters and an eaves height of 3 meters. The materials used will be matching brickwork. Also, the side (northeast) elevation of the dwelling is to be rendered white.



Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

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 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.

Supplementary Planning Documents

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The most pertinent SPD's in this case are:

- House extensions and other domestic alterations
- Parking

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England.

It sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The most relevant sections are:

- Section 2: Achieving sustainable development
- Section 4: Decision making
- Section 12: Achieving well-designed places

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

Representations

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website.

5 objections have been received and in summary raised the following points:

- Approval could lead to rendering of whole dwelling
- Does not fit with the character of the area
- Dominates host dwelling
- Enforced extension not demolished
- Extension does not comply with SPD
- Incongruous feature in street scene
- Loss of sunlight to neighbouring properties
- Materials not matching
- Neighbouring properties feel enclosed
- No render on neighbour properties
- Overbearing and overshadowing impact upon neighbouring properties
- Overshadowing impact upon neighbouring properties
- Render retrospective and without planning permission
- Restricts access to our property
- Same as refused applications
- Scale and size excessive
- Shared driveway will be blocked
- Street scene only features red brick

Consultations

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

Planning Enforcement were consulted and raised no objections.

Assessment

The main issues for consideration are as follows:

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

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

The site falls within urban fabric which has no specific land allocation; however, the site and surrounding area is made up principally of housing. Extensions to residential properties are considered acceptable where they do not have a detrimental impact on the amenity of surrounding residents, visual amenity and highway safety.

Impact on Neighbouring Residential Amenity

The SPD states that single storey rear extensions *“on semi-detached dwellings should not project more than 4m and again, the eaves height should not exceed 2.5m where the extension would project beyond 3m”*. The proposed extension has a total projection of 8.65 meters which is greater than the recommended 4 meters. However, the Government allows for extensions larger than the above to be permitted development by using a prior notification for larger homes application, subject to no objections being received.

The proposed extension exceeds the limits of the SPD however a prior notification application has been approved (2022/0145) as the projection on that application was no greater than 6 meters (on a semi-detached dwelling), the height was less than 4 meters in total and 3 meters to the eaves and no objections were received. This therefore creates a fallback position where a large rear extension can be erected even though the projection is contrary to the SPD. If objections had been received to the prior notification application, then that application would have been refused as its contrary to the above guidance however that was not the case because no neighbours objected.

It is noted the prior notification application had a three-year expiry for the development to start. First of all, although the expiry date has passed upon the determination of this application it had not expired when this application was submitted therefore it would be unjust to discount the fallback position in that regard as the applicant submitted the application within the timescale. Furthermore, as proven by the enforcement action taken for this property a ‘start’ has been made on site with the building out of an extension. Whether this extension conforms to the approved plans or not the footings have at least been dug out which is classed as a material start on site. Therefore, the fallback position which in essence is the rear extension of 6 metres without the extra projection is still valid and could be implemented by the applicant if built in matching brickwork as proposed.

With regards the impact of the extension as a whole in relation to residential amenity this was assessed by the inspector in the appeal of the previously refused application who states against the reason for refusal of that application on residential amenity grounds:

‘Turning to the second main issue, comparisons with the NPAD (2022/0145) are apt as this fallback has a strong likelihood of being implemented if the appeal were to fail. It must therefore carry greater weight than the guidance on depth and height for single storey rear extensions in the SPD. At 6.32 m in depth on its southwestern flank, the appeal extension would be 0.32 m deeper than the NPAD scheme where it would come closest to the shared boundary with no. 43. However, instead of being sited on the boundary line as shown in the NPAD scheme, the appeal extension would be set in 0.5 m from that line. It would also be notably lower in height across most of its depth than the NPAD scheme.

These differences in siting and height more than make up for the additional depth of the appeal extension insofar as the impact on the adjoining property at no. 43 is concerned. Given the identified fallback, I consider that the proposed extension would not create the same degree of enclosure or appear as overbearing in the outlook from the neighbouring back garden and rear facing rooms at no. 43. The experience of 43 Broomhead Road as being set within a good-sized back garden which faces south-east would endure. As with the NPAD scheme, I would not expect any overshadowing of no. 43 to occur beyond the early morning period. The natural daylight reaching the rear of this neighbouring property would be reduced but not to a greater degree than would occur if the NPAD scheme were to be carried out.

I find on the second main issue that the proposed development would sufficiently preserve the amenity of the residents at 43 Broomhead Road, with particular regard to outlook, access to natural daylight and sense of enclosure. As such, there would be no conflict with LP Policies GD1 and D1 or the SPD in this regard. Similarly, there would also be compliance with the Framework which seeks to ensure developments create places which promote health and well-being, with a high standard of amenity for existing and future users.’

Whilst the LPA do not fully agree with the above statements hence the previously refused application and reason for refusal on residential amenity grounds it was hence quashed by the above decision. The appeal was dismissed on visual amenity grounds which will be discussed next. Therefore, in this circumstance although it does not comply with the SPD the application is found to be acceptable in terms of residential amenity given the inspectors comments which indicate no conflict with Local Plan policies and the fallback position which the LPA agree is still valid. This weighs considerably in favour of the proposal.

Scale, Design and Impact on the Character of the Dwelling and Area

The SPD states that '*materials should normally be of the same type, colour and texture to the existing house or as close a match as possible*'. In this case, the proposed materials for the extension will match the host dwelling as its predominantly matching brickwork. This weighs considerably in favour of the proposal.

The extension predominantly utilises a flat roof. Although a slight lean to is proposed, a long flat roofed section is still maintained. Flat roofs are not a supported roof type due to flat roofs being an inferior form of construction. This combined with the proposed projection and materials would account to poor design in the opinion of the LPA. However, in the appeal decision the inspector commented on the use of the flat roof being acceptable, stating:

'I take no issue with the use of a flat roof over the single storey rear extension. Such roof designs are commonplace at the rear ground floor level of dwellings. The flat roof would not be prominent in the street scene or challenge the dominance of the main pitched roof. The extension's additional projection along its north-eastern flank would be limited to the width of a porch and would have no adverse implications for the amenities of any neighbouring property.'

Broomhead Road consists predominantly of brick-built dwellings. Given that the surrounding street scene is made up of entirely brick-built dwellings with no render in the street scene, the use of render would be harmful to the original character of the dwelling and the street scene as a whole. It is noted the use of render has been reduced from rendering the whole dwelling on the previous application to only rendering the side (northwest) elevation in white.

It is agreed that this use of render is retrospective and has been in place for a number of years. It is noted that a planning breach in this context has a four-year timescale in which after four years with no enforcement action taken then the breach is deemed permission. The inspector did comment on this matter as well stating:

'Within the context of an appeal under section 78 of the Act it is not within my remit to formally determine whether the proposed rendering of the existing house requires planning permission as claimed by the Council and questioned by the appellant. However, I have considered the evidence as to whether permission is required so far as it is material to this appeal. If the appellant wishes to ascertain whether this aspect of the development is or would be lawful, he may make an application under section 191 or 192 of the Act.'

The applicant has argued that the render does not require planning permission however this is not because it is permitted development as it does not match the existing materials used on the house. The argument comes from the date of the rendering and the lack of enforcement action against it. The applicant argues the render has been in place for four years and therefore is no longer enforceable. The LPA asked for the render to be included on the application during validation due to the dispute over the date. The applicant subsequently agreed to this.

The LPA has evidence of the render being in place in June 2022 when a site visit was undertaken. The previous site visit by the LPA before then was in 2018. The LPA have no evidence which

conflicts with the four-year claim of the render being in place, as such, the balance of probabilities test is applied and, in this instance, it is concluded this test is met.

The approval of the render in this circumstance does in no terms mean the rest of the dwelling can be rendered. Permitted development rights will be removed and an extra condition placed on the decision notice in relation to the render to make this point abundantly clear.

Highway Safety

There will be no impact upon highway safety. This weighs significantly in favour of the proposal.

Conclusion

For the reasons given above and taking all other matters into consideration including the appeal decision and fallback position, the proposal is to be approved, and permission should be granted subject to necessary conditions. In this specific circumstance the application is therefore recommended for approval. It is noted the enforcement issues with this property in the past and if the extension is not built as approved then legal action will be taken against the applicant. Finally no other part of the dwelling is to be rendered other than the side (northwest) elevation.

Recommendation

Approve with conditions