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**2024/0428**

Mr J Lycett

Outline application for the erection of 1no detached dwelling with access and layout considered at this stage.

52 Kensington Road, Old Town, Barnsley, S75 2SS

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### **Site Location & Description**

The application site is currently garden/driveway associated with the existing dwelling at No. 52 Kensington Road, though has already been partially separated from the host property. The application site is small being only 164sqm in total. To the front a 1.8m high fence and sliding gate have been installed as well as a new fence along the western boundary adjacent to the driveway for No.54 (to the rear). The site sits to the east of No.52, immediately opposite the Kensington Road/Salisbury Street junction.

No.52 is a detached property finishing in white render with red brick. This property has recently been extended and renovated, and the site has been reconfigured to facilitate the application site. The host dwelling has two fronted gables with a hipped roof. Large windows have been installed at the first floor with vertical windows at the ground floor level. The driveway was previously located to the west of the property but has been repositioned to the east and front, with a new access created.

The application site extends the full length of the plot. A fence has been installed along the south-eastern boundary to separate the site from the existing rear garden for No.52. No boundary treatment exists between the side elevation of No.52 and the application site.

The eastern section of Kensington Road (where this site is located) is characterised by traditional detached and semi-detached dwellings, with some modern blocks of flats. The properties are primarily finished in red brick, with render features. Traditional red brick walls run along the front of the properties, with large trees contributing to the appearance of the street. The properties have small enclosed front gardens but sit within fairly substantial plots with generous gaps in-between, which together creates a sense of spaciousness and grand character. The buildings are of a traditional appearance, robust massing and follow a definitive building line.

No.54 sits to the immediate rear of the site, with the driveway access for that property running along the western side of the application site. This property is a red brick dormer bungalow which sits within a generous plot.



## Site History

2021/1548 - Erection of two storey front extension and single storey rear extension and provision of render on external walls, GRANTED, 19/1/2022

2016/1401 – Erection of 1 no. detached dwelling, REFUSED, 3/3/2017 (APPEAL DISMISSED – 13/11/2017)

Inspector's key conclusions:

- *The main two storey element of the proposed house would be set back into the site with a part two, part single storey projecting element at the front. In that respect the development would not reflect the predominant pattern of development in terms of the building line or the robust form and massing of neighbouring development.*
- *Moreover, the dwelling would be significantly narrower than other properties in the area and given the limited width of the plot the development would appear cramped on its plot. As such the development would appear as an anomaly in the street scene.*
- *The provision of parking space at the front of the dwelling, would further add to its incongruity. For these reasons taken together, the proposal would not respect or enhance townscape character.*
- *I acknowledge that the external materials of the development would reflect its context and that the dwelling would be a similar height to No 52. Nevertheless, in themselves these matters are insufficient to outweigh the harm identified.*
- *For the above reasons, I conclude on this issue that the proposed development would be harmful to the character and appearance of the area.*

LPA Reason for refusal: *In the opinion of the local planning authority, the design of the proposed development does not reflect local context and character in that:*

- *Occupier access to the property would not front Kensington Road;*
- *The property would have a single storey element on the front elevation of the property which is uncharacteristic of the street scene;*
- *The space between the proposed dwelling and the adjacent dwelling would not reflect the prevailing character of the street.*
- *The width of the proposed dwelling would be significantly less than the other properties on this part of Kensington Road; and*
- *The proposed off-street parking arrangements would not reflect how it is accommodated elsewhere on the street.*

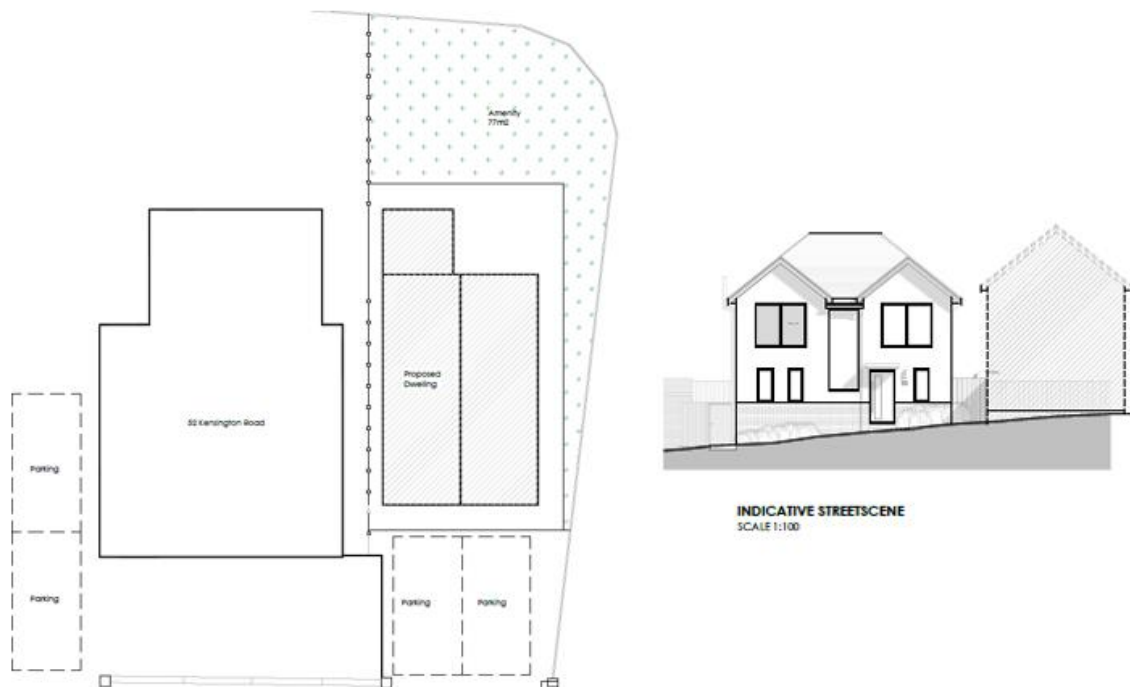
*It is considered that these factors, taken together with the fact that the achievement of internal space standards relies on the inclusion of the single storey element on the front elevation, are symptomatic of the proposed development being cramped, and as such, is detrimental to the character of the local area and street scene. Consequently, the proposed development is contrary to Core Strategy policy CSP29, Unitary Development Plan policies H8A and H8D, the relevant planning policy statements in the National Planning Policy Framework relating to requiring good design and the Council's Supplementary Planning Document – Designing New Housing Development.*

## **Proposed Development**

The application seeks outline permission for the erection of a detached house to the side of No. 52 Kensington Road, including full details of access and layout. The proposal dwelling would be sited to the west of the existing property with side-by-side parking spaces to the front, and private garden to the rear.

Appearance or scale are not included in this application, but indicative plans indicate that the proposed dwelling would be two-storey in height, with a projection off the rear. The proposed dwelling would be sited slightly set back of No.52.

No amended plans have been submitted in response to the concerns raised by the Case Officer meaning the application is being assessed based on the original submission documents.



## **Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. 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 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.

### Allocation/Designations

The site is allocated as Urban Fabric as defined in the adopted Local Plan, which has no specific land allocation.

The site is within a low risk development area as designated by the Coal Authority, and also within Flood Zone 1 (low risk).

### National Planning Policy Framework – December 2023

The National Planning Policy Framework (NPPF) was revised in December 2023, replacing the previous versions. The NPPF is a material consideration when assessing planning applications. The following sections are relevant to this application proposal:

Section 5 – Delivering a Sufficient Supply of Homes

Section 9- Promoting Sustainable Travel

Section 11- Making Effective Use of Land

Section 12- Achieving Well-designed and Beautiful Places

### Barnsley Local Plan

The following Local Plan policies are relevant:

Policy GD1: General Development

Policy D1: High Quality Design and Place Making

Policy SD1: Presumption in favour of Sustainable Development

Policy T4: New Development and Transport Safety

Policy LC1: Landscape Character

Policy POLL1: Pollution Control and Protection

Policy H1: The Number of New Houses to be Built

Policy H4: Residential development on small non-allocated sites

Policy BIO1: Biodiversity & Geodiversity

## Supplementary Planning Documents

The Council have adopted SPDs to provide further guidance about the implementation of specific planning policies in the Local Plan. The adopted SPDs should be treated as material considerations in decision-making and are afforded full weight. The following SPDs are relevant to this proposal:

Parking, November 2019  
Sustainable Travel, July 2022  
Design of Housing Development, July 2023  
Residential Amenity and the Siting of Buildings, May 2019  
South Yorkshire Residential Design Guide, 2011

## **Consultations**

Local Ward Councillors- No comments.

Drainage- No objection, no conditions required.

Pollution Control- No objection subject to condition relating to hours of construction.

Yorkshire Water- No response.

Highways DC – Objection, the proposed parking spaces are insufficient in size. A bin store also needs to be added to the site plan along with a route from the storage point to the public highway.

## **Representations**

This application has been advertised in accordance with the Development Management Procedure Order (DMPO) 2015, as follows:

- Neighbour notification letters sent to adjoining properties- consultation expiry date: 18/6/2024
- Site Notice displayed adjacent to the site- consultation expiry date: 21/6/2024

1 neighbour has provided comments in objection, the concerns raised as summarised:

- Proposed dwelling appears out of place;
- Highway safety;
- Drainage capacity;
- Overlooking of neighbouring garden.

The concerns summarised above will be addressed below.

## **Assessment**

### Principle of Development

The site falls within urban fabric which has no specific land allocation. New buildings are considered acceptable where they do not have a detrimental impact on the amenity of surrounding residents, visual amenity or on highway safety and accord with the relevant policies quoted below.

Policy H4 Residential Development on Small Non-allocated Sites states that proposals for residential development on sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies in the Plan.

The surrounding area is residential in nature, with residential properties surrounding the application site in all directions. The principle of residential development at this site is therefore considered to be acceptable subject to the considerations as followed.

#### Design, Appearance & Impact Upon Character of Area

NPPF Paragraph 135 relates to high quality design and states that developments should function well and add to the overall quality of the area; are visually attractive; sympathetic to local character; maintain a strong sense of place whilst optimising the potential of the site and create places which are safe and inclusive and promote well-being.

Local Plan Policy D1 states that development is expected to be of high-quality design and should respect and reinforce the distinctive, local character and features. Development should contribute to place making and make the best use of materials, as well as display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangements of materials, colours and details.

The Design of Housing Development SPD (adopted July 2023) includes criteria for infill development at section 24. The SPD states that infill development should comply with the following:

- Dwellings should be orientated to have a frontage to the existing public highway. Sides and backs and garages should be sensitively located so the frontage of the new development integrates with the existing street scene.
- The space between the proposed dwelling and the adjacent dwellings should reflect the prevailing character of the street.
- The siting of the dwelling should reflect the building line of the dwellings on the same side of the street.
- Parking provision should be accommodated in a similar manner to how it is accommodate elsewhere on the street.
- Architectural features, fenestration and materials should reflect the positive elements elsewhere on the street.

The proposal consists of 1x detached dwelling. A similar proposal (albeit full permission) was refused and dismissed at appeal in November 2017 due to the harm which the development would introduce upon the character and appearance of the area. Although the Local Plan and associated SPDs have been adopted since the previous decision, the overall policy objectives have not changed, with the emphasis upon good design in fact increased.

Indicative street scene plans have been provided with this application, which indicates the width of the proposed dwelling and its relationship with the host property. No.52 has an overall width of 8.48m and a height of 7.9m. The dwelling hereby proposed would have a width of 5.4m and a height of 7.5m.

The narrow width of the proposed dwelling is not representative of the scale or massing of the properties within the street and would appear uncharacteristic. The refused scheme included a wider property than what is hereby proposed, at 6.4m, to which the Inspector considered that the narrowness of that proposal would be harmful. The Inspector stated: *'Moreover, the dwelling would be significantly narrower than other properties in the area and given the limited width of the plot the development would appear cramped on its plot. As such the development would appear as an anomaly in the street scene.'*

The development hereby proposed is 1.2m narrower than the refused scheme, therefore intensifying the concerns previously raised in regard to the impact upon the street scene. The agent has confirmed that the width has been reduced in attempt to overcome the 'cramped' conclusion made by the Inspector. However, the significant difference between the width of the proposed dwelling and its immediate neighbours emphasises the lack of coherence further, rather than addresses the previous issues.

Although the proposed dwelling has a similar height to No.52, the narrow footprint elongates the appearance of the dwelling, again making it incongruent within the street scene. The proposed dwelling would have a smaller width than its ridge height, making it appear top heavy, particularly in comparison to No.52 which is wider than it is tall. This would result in the dwelling appearing cramped into the application site as well as appearing disproportionate due to its narrow width.

The development would result in both the host dwelling and the proposed dwelling having abnormally small rear gardens in comparison to the neighbouring properties. Although the garden sizes accord with the SPD guidance, the development would erode the spacious and traditional character which the site currently contributes towards.

The lack of front garden also appears contrary to the existing build pattern. The proposal would have no frontage landscaping with the entire frontage being hard landscape to provide parking. This design feature was also referred to in the previous appeal whereby the Inspector stated: *'The provision of parking space at the front of the dwelling, would further add to its incongruity.'*

Although the host dwelling does not include a landscaped frontage, the overall size and generosity of its driveway (which provides parking for multiple vehicles to the front and side) still contributes towards the spacious character of the street. Whereas the proposed development includes a constrained parking arrangement which is not reflective of the building pattern. No other dwellings within the street have parking directly to the front of dwellings nor provide side-by-side parking, with all the neighbouring properties, including the host dwelling, having an enclosed frontage defined by a red brick wall. The development therefore fails to accommodate parking provision in a similar manner to the street, making it discordant with the Design of Housing Development SPD.

The siting of the proposed dwelling does not follow the established building line, being sited 3.6m behind the principal elevation of No.52. The proposal has been forced further back within the site

due to the constrained size of the site and the fact that the parking needs to be provided to the front, rather than to the side. This further detracts from the appearance of the street and emphasises the fact that the application site is not large enough to facilitate an independent dwelling.

Section 24 of the Design of Housing Development SPD makes particular reference to the design of parking, stating '*if existing dwellings are set forward on their plots with parking at the side, the proposed dwelling should not be set back with parking at the front.*' The development hereby proposed fails to accord with this guidance.

The overall build pattern along the street has not been taken into account. The gap between No.52 and No.50 is over 5.5m, with a gap of over 3.5m between that property and No. 50A. However, the proposed development includes a gap of just 1.3m between the side elevations of the existing property and the proposed dwelling. The lack of separation further emphasises the squeezed in appearance and failure to follow the prevailing character of the street, as required in section 24 of the Design of Housing Development SPD.

The agent suggested that the recent renovations to the host dwelling, including the application of render and contemporary glazing should be taken into consideration when assessing this proposal upon the impact the street scene. Whilst it is recognised that No.52 has a more contemporary appearance than some of its neighbours, it still retains its traditional features particularly in terms of its scale, massing and build pattern. Whereas, this proposal fails to replicate these key characteristics as explained above.

Overall, the proposed development is not appropriate. The introduction of a detached dwelling at this site would detract from the character of the street and appear cramped in. The narrow design fails to reflect the surrounding building traditions and would be incongruent within the street scene. The proposal is therefore discordant with Local Plan Policy D1 and Section 24 of the Design of Housing Development SPD.

#### Impact upon Residential Amenity

Local Plan Policy GD1 states that proposals for development will be approved if there are no significant adverse effect on the living conditions and residential amenity of existing and future residents. Proposals should be compatible with neighbouring land and should not significantly prejudice the current or future use of neighbouring land.

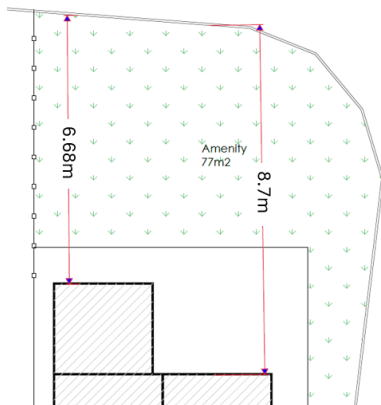
Local Plan Policy POLL1 states that development will be expected to demonstrate that there would be no unacceptable affect or cause a nuisance to the natural and built environment or to people.

Given that the development is proposed in outline, the exact positioning of windows and openings in regard to overlooking cannot be fully assessed. However, the submission documents should still demonstrate that acceptable separation distances can be achieved to ensure that existing amenity is protected.

The Design of Housing Development SPD (section 4.4) requires there to be a 10m distance between first floor habitable room windows and garden boundaries to ensure that neighbouring gardens are not overlooked. The site plan for this application indicates a separation distance of 8.7m between the rear boundary and the main dwelling, with a distance of 6.68m between the rear



projection and the boundary. The distances therefore do not achieve the required separation and suggest that overlooking upon the neighbouring dwelling at No.54 may be introduced if windows are to be positioned on the rear elevation.



Internal space standards cannot be assessed until reserved matters stage. However in terms of existing amenity, the development would introduce harmful overlooking upon neighbouring properties due to the limited separation distances, making the proposal discordant with Local Plan Policy GD1.

### Highway Considerations

NPPF Paragraph 115 states that 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.

Local Plan Policy T4 states that 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. It follows on state if a development is not suitably served by the existing highway or would add to problems of safety or the efficiency of the highway, developers will be expected to take mitigating action to make sure the necessary improvements go ahead.

Table 1 of the Parking SPD (November 2019) sets out the adopted parking standards for new developments.

The proposed development includes two off-street parking spaces to the front of the proposed dwelling which accords with the parking requirements. However, the Highways DC Officer has confirmed that the spaces are too small and do not accord with the minimum dimensions of 5m x 2.5m as required at section B.1.1.22 of the South Yorkshire Residential Design Guide. The spaces proposed are scaling off at 4.8m x 2.4m and are therefore too small in terms of both width and length.

The Highways DC Officer has also confirmed that the proposal fails to provide sufficient refuse collection arrangements. A bin storage location is not indicated on the submitted plans, nor is a

route between the storage area and the collection point. The bin collection route must have a minimum width of 0.8m and should not encroach/overlap the parking spaces to ensure that bins can be moved whilst cars are parked on the driveway.

Increasing the size of the parking spaces to achieve the required size specified above would result in there being no space for a bin collection route within the site. Similarly, providing a bin storage area and route would further constrain the size of the proposed parking.

The lack of sufficient space to accommodate the required parking arrangements further emphasises the limited size of the site and the fact that it is unsuitable for an independent dwelling. The development is therefore contrary to Local Plan Policy T4 and NPPF Paragraph 115.

### Other Considerations

The neighbour representation received raised concerns regarding drainage capacity. As summarised above, both Yorkshire Water and the Council's drainage team have been consulted on the application and raised no objection. These comments are therefore disregarded.

### Conclusion

Although the adopted policy documents have changed since the previous refusal/dismissal of planning permission, the Local Plan, latest NPPF and adopted SPDs emphasise the importance of good design. The previous reasons for refusal are still relevant and have not been overcome nor addressed by the current proposal.

Whilst the width of the dwelling has been reduced, in attempt to address the concerns regarding the 'crammed in' appearance, the overall scale and massing of the proposed dwelling is not reflective of the local character and fails to consider the surrounding building traditions. The proposed dwelling would appear elongated and disproportionate due to its narrow footprint/width but typical height. The dwelling would appear squeezed into the tight plot, cramped in between the host dwelling and adjacent driveway. The frontage parking and failure to follow the established building line would further emphasise the incongruent design.

The overall appearance of the dwelling would not be in-keeping with the neighbouring properties and would therefore detract from the appearance of the street, making it discordant with Local Plan Policies D1 & NPPF Paragraph 135.

The separation distance between the proposed rear elevation and the boundary shared with No.54 is significantly below the required distance as stated in Design of Housing Development SPD. The development would therefore introduce harm upon the existing residents of No.54 by virtue of overlooking of neighbouring amenity space. The proposal is discordant with Local Plan Policy POLL1 and Policy GD1 as well as the Design of Housing Development SPD.

Insufficient highways/parking arrangements are proposed resulting in an outstanding objection from the Highways DC Officer. The parking spaces do not meet the minimum sizes and no waste storage/collection route has been indicated. Unfortunately, due to the restricted size of the application site, the Highways DC Officer is unconvinced that both the requirements can be

accommodated within the site. The proposal is therefore discordant with Local Plan Policy T4 and NPPF Paragraph 115.

In attempt to justify the proposal, the agent has highlighted the benefits in terms of housing supply. However, the supply of 1 additional dwelling is not considered to outweigh the harm introduced upon street scene and character of the area.

In conclusion, the development is unacceptable and is therefore refused.

### **Recommendation**

**Refuse.**