

2024/0481

Mr Richard Honeybone

43 Park Avenue, Penistone, Barnsley, S36 6DL

Single storey rear orangery extension to two-storey semi-detached dwelling

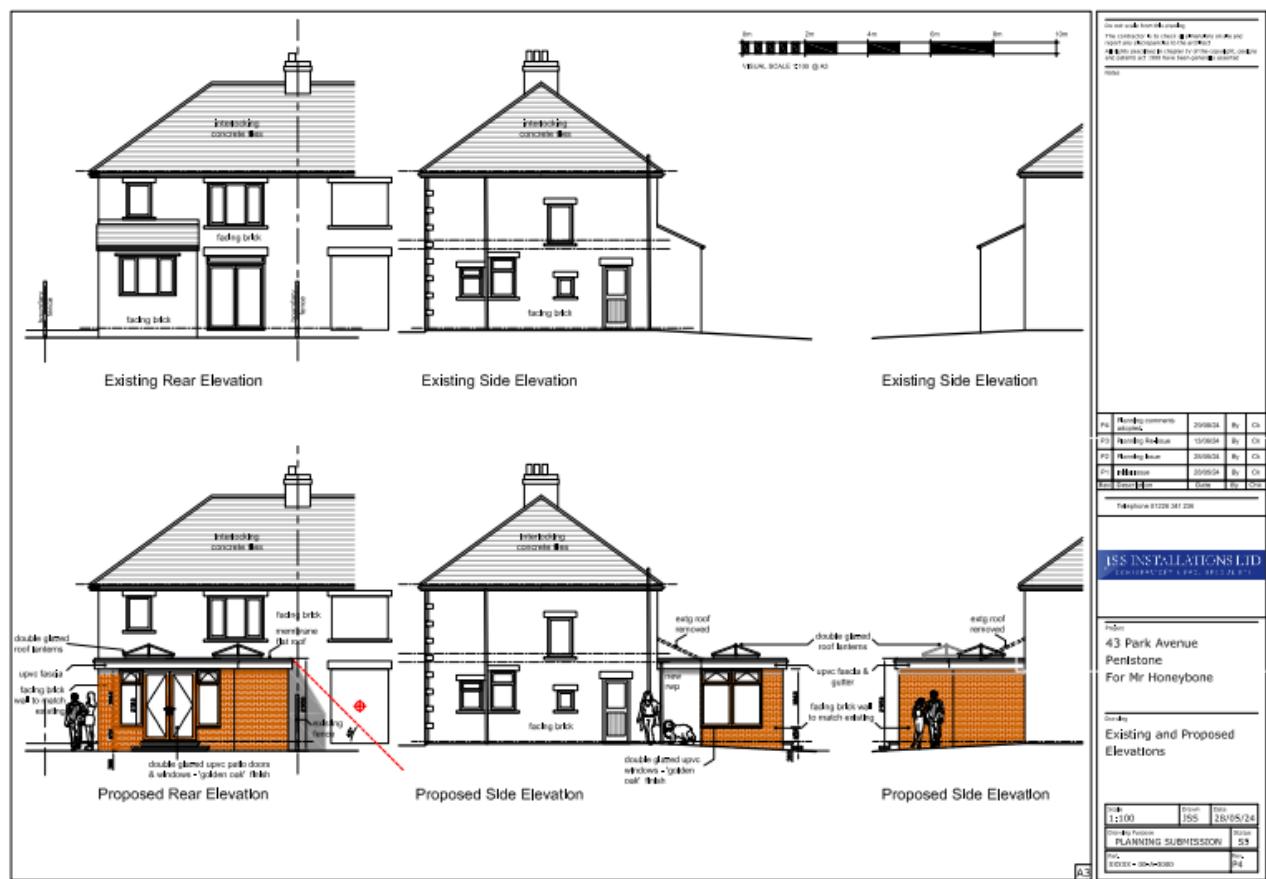
Site Description

The dwelling is a two-storey semi-detached dwelling located in Penistone. Park Avenue has a consistent residential street scene featuring other two-storey semi-detached dwellings. The dwelling has a parking area to the front and a small rear extension and garden to the rear.

Planning History

2022/1334 - Demolition of single storey rear extension and erection of single storey rear extension (Withdrawn)

Proposed Development



The applicant is seeking approval for the erection of a single storey rear extension. The extension will project 4 metres from the rear elevation of the dwelling and has since been amended to reduce the projection to 2.3 metres adjacent the adjoining dwelling. The extension has a width of 6.05 metres. The extension will feature a flat roof with a total height of 3.3 metres and an eaves height of 2.4 metres. The materials used will be matching brickwork.

Policy Context

Planning decisions should be made in accordance with the development 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 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 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.

Penistone Neighbourhood Development Plan (2018-2033) – Following the successful referendum on 11 July 2019, Barnsley Metropolitan Borough Council resolved to make the Penistone Neighbourhood Development Plan on 27 August 2019. It now forms part of the statutory development plan for Barnsley Metropolitan Borough Council.

Supplementary Planning Document: House extensions and Other Domestic Alterations

This document establishes 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 should;

- Be of a scale and design which harmonises with the existing building;
- Not adversely affect the amenity of neighbouring properties;
- Maintain the character of the street scene; and
- Not interfere with highway safety

The above principles are to reflect the revised principles in the NPPF, which promote high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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 – 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 inclusion of high-quality design for all developments, including individual buildings, public and private spaces and wider area development schemes. Within section 12, paragraph 139 states *“development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”*.

Provisions under the ‘Town and Country Planning (General Permitted Development) (England) Order 2015’

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) states that a single-storey extension, extending beyond the rear of the original house by no more than 4 metres (if a detached house) or 3 meters in any other case, that are no more than 4 meters in height and built using matching materials, can be erected without a planning application. This is an important consideration with this application as it represents a potential fallback position, whereby a single storey rear extension can be erected without planning permission, because the Government considers the impact of such development to be modest.

Consultations

Penistone Town Council were consulted and raised no objections.

Public Rights of Way were consulted and raised no objections.

Representations

Neighbour notification letters were sent to surrounding properties, two objections were received in relation to the original plans and in summary raised the following material planning considerations.

- The neighbour at No.41 Park Avenue will have the majority of light and view blocked at the rear of the property. Could the development adjacent to the boundary be taken further into the ground of No.43 to allow more light and view given the direction of the sun's movement means a significant loss of light to the rear of the property.
- This orangery will go 4 metres down the edge of my property. This will impact my property by blocking out my light and sun for almost the entire day, except an hour or two first thing in the morning. My garden and patio will become a sunless and dark area instead of the bright area it is now with the sun being in my garden most of the day.
- Due to the location of main sitting area in the house, my view will also become a brick wall rather than nature. I cannot move my house layout without a lot of work and then I'd only get a view of a main road rather than the nature. The removal of my view and the loss of use of my garden due to the blocking of light will affect my physical and mental wellbeing.

- I like to sit on my patio and watch nature coming in and out of my garden, I spend a big proportion of my time in my garden sat in the fresh air, especially in the spring to autumn months. I won't be able to do this if the orangery is built due the sun not getting to my seating area and causing it to be a constant shady area, cold and miserable.

In addition to the above the following further points were raised.

- Concerned that the public sewer is not being shown on plans or considered by the applicant, who appear to be trying to dismiss its presence to construct a large orangery extension.
- The direction of the sewer on the plans is the wrong direction as far as I am concerned to aid their application. I assume that Yorkshire Water (YW) will need to be consulted as far as I am aware as they will need to be cross the sewer and almost run in close along the alignment.
- The public sewer runs parallel to the rear of the property (roughly 3.5m based on recent tracing by YW at my property). I guess that as this is classed a temporary structure it can be built over the public sewer, however, considerations will need to be made for the influence on the pipe and foundations will need to be deepened accordingly.
- Another reason I object is the impact it will probably have on the value of my property with having no light in my rear garden, nowhere to sit and enjoy the garden and fresh air due to the orangery putting my garden in a state of permanent shade.
- This building is way too big for the size of the gardens and the close proximity to my boundary. I will not allow any works to be done within my boundary and property due to the impact it will have on myself and my property.

With regards the drainage and sewer issues related to the proposed extension these would be dealt with separately under building regulations approval and do not form part of the basis for decision making on this application. The direction of the sewer is of no consequence to the planning assessment of the proposals on the plans. Additionally, Yorkshire Water have not been consulted as this is a householder planning application and therefore it is not a requirement to consult them. Furthermore, because this is a householder planning application a construction method statement is not required.

With regards to the impact on potential property values, this is not a material planning consideration and cannot be taken into account for consideration of the determination of this application. Issues over the potential construction of the extension and how this would affect access and boundaries of neighbouring dwellings is a civil matter and must be sorted privately between the individual parties. Right of access can be withheld by a neighbouring property. It would be for the applicant to ensure the extension can be constructed without impact because it is the applicant's responsibility to prevent damage being caused to neighbouring properties to prevent them being liable for claims made under civil law. A permission shall not be construed as granting rights to carry out works on, under or over land not within the ownership, or control, of the applicant.

The application went out for re-consultation upon receipt of amendments and a further two objections were received. In summary they raised the below additional points not already covered above.

- The updated plans look far more favourable for the neighbour at No.41 Park Avenue.
- If construction goes ahead as planned and the foundations impact on the sewer, I will inform YW directly of my concerns as I see they are not a consultee at the moment.
- Although the orangery will go approximately 2.3m down the edge of my property then a slight corner cut out for the remaining 1.7m approximately, it still has a length of 4m down my garden and will still block the light and sun from my patio area.

Assessment

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.

Residential Amenity

The SPD states that *“on semi-detached dwellings an extension should not project more than 4 metres and again, the eaves height should not exceed 2.5 metres where the extension would project beyond 3 metres”*. The proposed rear extension conforms to the above guidance. The proposed extension will not have a significant detrimental impact on any neighbouring property by way of overshadowing or being overbearing due to its limited projection which is only 1 metre greater than what could be achieved using permitted development rights. Additionally, adjacent the adjoining dwelling (41 Park Avenue) an extension could be erected greater than the proposed projection along that boundary as it is only 2.3 metres in projection, therefore 0.7 metres short of the 3 metres allowed using permitted development rights which would not require planning permission.

With regards loss of outlook and sun light, the SPD states *“the 45° test shall be applied to the nearest window of any adjacent residential accommodation which lights a habitable room or kitchen and to comply with the rule any extensions should be designed so as not to cross a 45° line, when drawn from the midpoint of the nearest window opening of the adjacent dwelling”*. The 45° test has been applied and the proposal amended to comply to this by reducing the projection adjacent the adjoining dwelling therefore allowing for more light to reach the habitable room window on the rear elevation of the adjoining dwelling and subsequently the area in front of it. In terms of overlooking no windows are proposed on the side elevation facing the adjoining dwelling and the windows on the rear elevation are set to the side away from the adjoining dwelling due to the design of the extension. The proposal is considered to be in compliance with Local Plan Policy GD1: General Development and is acceptable in terms of residential amenity.

Visual Amenity

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 will match the existing dwelling with matching brickwork being used. The extension utilises a flat roof which is usually not a supported roof type due to flat roofs being an inferior form of construction. The flat roof is acceptable in this circumstance however, as it is set to the rear of the property and therefore not present in the street scene. This roof type also helps lower the roof height of the extension.

The proposed extension partially conforms to the SPD in terms of its external materials and roof type, however it will have little impact upon the character of the street scene due to the harmony with the existing dwelling and being set to the rear of the property. The proposed development is therefore not considered to be contrary to Local Plan Policy D1: High Quality Design and Place Making and is considered acceptable in terms of visual amenity.

Highway Safety

There will be no impact upon highway safety.

Recommendation

Approve with conditions