

Applicant: Mr S Clayburn

Description: Demolition of 49 Woodstock Road and residential development of 5no dwellings
(Outline with matters reserved apart from means of access)

Site Address: 51 Woodstock Road, Wilthorpe, Barnsley, S75 1DX

Site Description

The site is 'L' shaped, measures approximately 0.25 hectares and forms part of the large garden areas to the rear of 51, 53 and 55 Woodstock Road. The site is within a predominantly residential area and is bounded by properties on Woodstock Road to the West, Woodstock Gardens to the South and Melvinia Crescent to the North and East.

There is a mixture of property styles within the area including predominantly detached and semi-detached dwellings on Woodstock Road, detached 2 storey dwellings on Woodstock Gardens and detached bungalows on Melvinia Crescent.

The site is currently largely overgrown.



Site History

2008/0868 – erection of four detached dwellings (outline) – Withdrawn

2008/1563 – erection of four detached dwellings (outline) (Resubmission) – Refused for the following reasons;

In the opinion of the Local Planning Authority the proposal represents piecemeal development that results in a contrived layout, which would appear cramped in the context of its surroundings. The proposed development therefore fails to retain the character and appearance of its setting, contrary to the advice contained in Planning Policy Statement 3, Barnsley UDP Policies H8D & BE6 and SPG3.

In the opinion of the Local Planning Authority the siting of 3 dwellings to the rear of no's 53 & 55 Woodstock Road and the introduction of a vehicular access and an associated parking and turning area would result in an increased level of activity, noise and disturbance, detrimental to the amenities of the surrounding dwellings, namely no's 57, 59 and 51 Woodstock Road and no. 6 Melvina Crescent contrary to Barnsley UDP Policy H8D and SPG3. In addition, the proposed development would have an adverse and overbearing impact on the occupiers of no. 6 Melvina Crescent as a result of the proximity of the 3 dwellings to that property when combined with the level differences between land within the two sites contrary to Barnsley UDP Policy H8A and the advice contained in SPG2.

An appeal was also dismissed relating to application 2008/1563 (Ref: APP/R4408/A/09/2096834).

2015/0347 - Erection of 5 no. dwellings (1 no. detached and 4 no. semi-detached) (Outline) – refused for the following reasons;

In the opinion of the Local Planning Authority, the proposed development would be an undesirable form of back land development. The proposal would not integrate well within the immediate area, to the detriment of the overall character and layout of the existing housing stock within the locality. As such it would result in an 'ad-hoc' form of development which would appear cramped in the context of its surroundings. To allow such proposals can indicate a departure from the long-established local pattern of development and could make it harder for the Council to resist further (similar) proposals in future which in turn can progressively erode the area's character, contrary to saved UDP policies H8A and H8D, Core Strategy Policy CSP 29 and the design principles established within the NPPF.

The introduction of a vehicular access and an associated parking and turning area would result in an increased level of activity, noise and disturbance, detrimental to the amenities of the surrounding dwellings, namely no's 55 and 57 Woodstock Road, contrary to saved UDP policies H8A and H8D. Furthermore, the proposed development would have an adverse impact on both existing and future residents in that it fails to meet separation distances set out in SPD 'Designing New Residential Development'.

The proposed access, and associated parking and turning facilities, fails to meet the guidelines set out in the South Yorkshire Residential Design Guide and Supplementary Planning Document 'Parking'. Consequently, the proposal would be likely to result in increased vehicles manoeuvring and parking within the highway to the detriment of the safe and free flow of traffic on the highway, contrary to Core Strategy CSP 26.

2016/0286 - Outline application including details of access and layout for the development of 4 dwelling houses - 2 no. detached houses & 2no. semi-detached houses (re-submission) – refused for the following reasons;

In the opinion of the Local Planning Authority, the proposed development would be an undesirable form of backland development. The proposal would not integrate well within the immediate area, to the detriment of the overall character and layout of the existing housing stock within the locality. As such it would result in an 'ad-hoc' form of development which would appear cramped in the context of its surroundings and would depart from the long-established local pattern of development to the detriment of the areas character. This would be contrary to saved UDP policies H8A (Housing Policy Area) and H8D (Infill, Backland and Tandem Residential Development), Core Strategy Policy CSP 29 (Design) and the design principles established within the NPPF.

The introduction of a vehicular access and an associated parking and turning area would result in an increased level of activity, noise and disturbance, detrimental to the amenities of the surrounding dwellings, namely no's 55 and 57 Woodstock Road, contrary to saved UDP policies H8A and H8D. Furthermore, the proposed access, and associated parking and turning facilities, fails to meet the guidelines set out in the South Yorkshire Residential Design Guide and Supplementary Planning Document 'Parking'. Consequently, the proposal would be likely to result in increased vehicles manoeuvring and parking within the highway to the detriment of the safe and free flow of traffic on the highway, contrary to Core Strategy CSP 26.

An appeal was also dismissed for application 2016/0286 (Ref: APP/R4408/W/16/3151254).

2019/1262 - Demolition of existing dwelling and residential development of 3no. dwellings (outline with all matters reserved apart from means of access) – refused for the following reasons;

In the opinion of the Local Planning Authority, the proposed development would be an undesirable form of backland development that would not benefit from a 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, it would result in a visually harmful or incongruous form of development which would appear markedly out of kilter with that of its surroundings. This would be contrary to Local Plan Policy D1 'Design', SPD 'Design of Housing Development' and the design principles established within the NPPF.

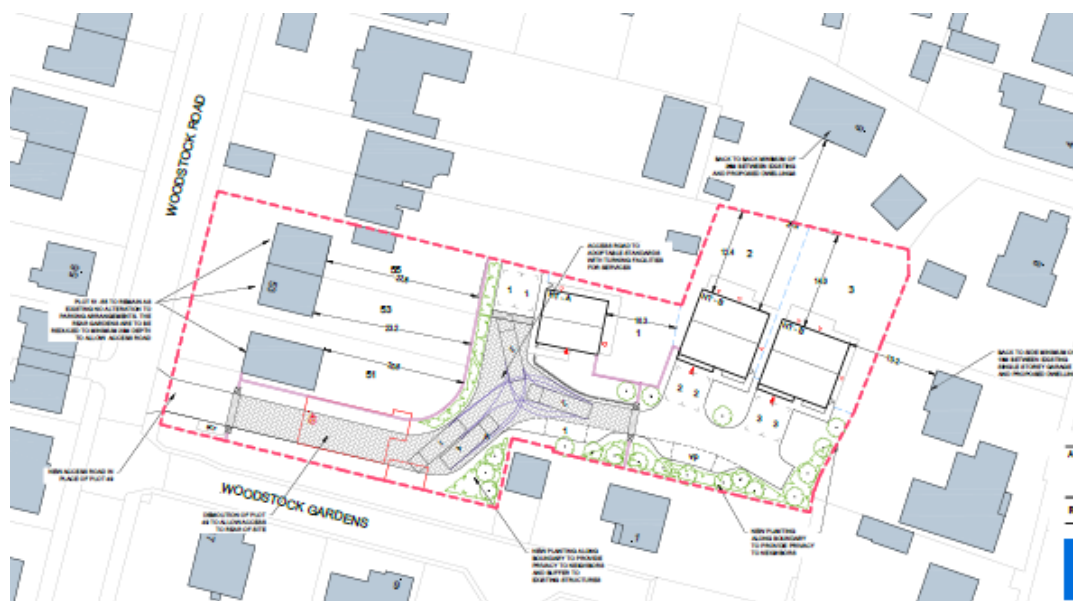
The introduction of a vehicular access and an associated parking and turning area would result in an increased level of activity, noise and disturbance within an otherwise generally quiet environment, detrimental to the amenities of the surrounding dwellings, namely no's 51, 53 & 55 Woodstock Road and 1 Woodstock Gardens, contrary to Local Plan Policy GD1 'General Development' and SPD 'Design of Housing Development'.

The applicant has not submitted sufficient details, due to the lack of Ecology Report and Tree Survey, to enable an adequate assessment to be made of the effect of the proposal on potential ecological issues and Arboriculture.

The proposed access on to Woodstock Road is in extremely close proximity to that of the adjacent Woodstock Gardens and visibility would be constrained due to the topography of the site, therefore, the development would not be afforded safe, secure and convenient access and movement, contrary to Local Plan Policy T4 'New development and Transport Safety'. Furthermore, the length of the drive would result in the 'man carry distance' to Woodstock Road of around 75m from the proposed properties to the rear of the site. This would conflict to a significant degree with Supplementary Planning Document: Design of Housing Development that seeks to restrict the length of such driveways to 30m.

The proposal does not conform with other Local Plan Policies, notably GD1, D1, or T4 and by consequence does not benefit from Local Plan Policy H4 for residential development on non-allocated sites and is refused permission by consequence.

An appeal was dismissed for application 2019/1262 under reference APP/R4408/W/20/3253900.



2021/1024 - Demolition of 49 Woodstock Road and residential development of 3 no. dwellings
(Outline with all matters reserved apart from means of access) – approved subject to conditions



Proposed Development

The applicant seeks outline permission (with all matters reserved, apart from means of access) to demolish 49 Woodstock Road and erect 5no. detached dwellings, 1no. detached and 2no. pairs of semi-detached dwellings. The submitted indicative plans show a roadway into the site from Woodstock Road with a turning head, reflective of that approved under application 2021/1024.



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 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 HE1 The Historic Environment

Policy H9 'Protection of existing larger dwellings'

Policy Poll1 Pollution Control and Protection

Policy BIO1 Biodiversity and Geodiversity

Policy CC2 Sustainable Design and Construction

SPD's

Those of relevance to this application are as follows:

- Designing New Residential Development
- Parking
- Trees and hedgerows

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

Air Quality Officer – no objections subject to condition

Yorkshire Water – No objections

Regulatory Services – No objections subject to conditions

Highways DC – No objections subject to previous conditions

SYMAS – No objections subject to condition

Coal Authority – No objection subject to condition

Drainage – No objections subject to conditions

Waste Management – Required collection point

Ward Councillors – one objection from a Cllr received. The main points of concern are;

- Impact on drainage
- Reduced highway safety

Representations

8 letters of objection have been received. The main points of concern are;

- Loss of privacy/overlooking
- Introduce noise and disturbance
- Backland development
- Reduced highway safety
- Increase pressure on parking
- Out of character with the area
- Loss of habitat/impact on ecology
- Impact on drainage
- Detrimental impact on streetscene

Assessment

Principle of development

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.

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.

There have been several refusals on this site for residential development, as outlined in the history section above. Application 2019/1262 for 3no. dwellings, was dismissed at appeal, however, out of the 5 reasons for refusal, the Inspector only upheld part of one of the reasons relating to bin collections. As such, that left limited scope to bring forward any of the previous concerns or reasons for refusal on application 2021/1024 which was eventually approved, subject to conditions, for 3no. dwellings.

This scheme basically replaces the 2no. previously approved detached dwellings to the East of the site with 2no. pairs of semi-detached dwellings, as such, this report will focus on those amendments under the following headings;

Residential Amenity

The current proposal basically reflects the layout of application 2021/1024, the main difference being the 2no. detached dwellings to the East of the site have been sub divided to create 2no. semi detached blocks containing 4no. properties.

The position of all the properties would remain largely as previously approved, and in accordance with the SPD separation distances, so overshadowing or overbearing impact would not be significantly different. Although this would be assessed further at reserved matters stage.

It could be possible that the amount and position of habitable room windows could be the same for 2no. detached properties as it could for 4no. semi-detached properties, however, the perception of overlooking for the neighbours given the increase in property numbers and potential residents could be detrimental on the existing neighbouring residents, again that would be assessed under a reserved matters application.

The garden sizes for the proposed dwellings would meet the requirements but the internal spacing standards would need to be fully assessed at reserved matters stage.

The addition of 2no. dwellings and their associated occupants could potentially increase noise and disturbance through residential activity and vehicular movements, however, given the previous inspectors comments and the previously approved scheme for 3no dwellings it would be difficult to justify a reason for refusal on that basis.

Plot 1 remains as previously approved under application 2021/1024 but it should be noted that a condition (condition 22) was imposed limiting the number of properties on the site to 3 and the height of plot 1 to single storey;

The development hereby approved shall not exceed a maximum of 3 units, of which plot 1 shall not exceed a maximum of 1 storey in height and plots 2 and 3 shall not exceed 2 storeys in height, the details of which shall be submitted as part of the application for approval of reserved matters.

Reason: To maintain residential amenity levels, in accordance with Local Plan Policy GD1 'General Development' and Supplementary Planning Document 'Design of Housing Development'.

The applicants have appealed that condition, as such, this application could be considered as premature until a decision has been issued on that condition. Given the proximity of plot 1 to the Western, Northern and Eastern boundaries, as well as neighbouring dwellings and their associated gardens, it would not be practical for a 2-storey dwelling to be built on that plot as only the southern elevation could accommodate habitable room windows on the first floor. In addition, a 2-storey property in that location could potentially be overbearing and overshadowing on neighbouring properties. If the current proposal was to be considered acceptable that same condition would be recommended again.

Visual Amenity

The Council refused planning application 2019/1262 partially on residential amenity grounds due to the backland location of the site and that the layout did not reflect the development pattern of the area. Application 2021/1024 was eventually approved for 3no. dwellings on the back of an appeal relating to application 2019/1262 and the comments made by the inspector.

However, the Inspector stated;

Given the context of variation in local character, and the relatively substantial impression of verdant and spacious suburban character that would remain, the proposal would assimilate acceptably into the neighbourhood in terms of character and appearance.

Those comments were based on 3no. detached dwellings, however, the current scheme is now for 5 dwelling, 4no. of which are semi-detached. It is noted that there are semi-detached dwelling within the immediate area but these generally have good sized gardens to the front and back and have separation to the neighbouring dwellings around them. The current scheme has simply split in 2 the previously approved detached dwellings. This has resulted in 4no. properties within very close proximity to each other with little to no garden space to the front and modest gardens to the rear. In any case, those properties would be most closely associated with, and viewed against, the spacious detached dwellings and their associated amenity space on Melvinia Crescent and Woodstock gardens. The proposed dwellings are in stark contrast to those.

It has also resulted in 8no. parking spaces to the front of these properties with very little in the way of practical soft landscaping. That, combined with the access road, would lead to a large amount of hardstanding and a very car dominated frontage, again, contrary to the pattern, layout and character of the area and in conflict with Local Plan Policy D1 and the SPD.

This would be contrary to the development pattern of the area and the dwellings would appear cramped and shoehorned into that section of the site with little 'breathing' space between the properties themselves and the neighbouring properties. It would also be in contrast with the Planning Inspectors justification for the 3no. dwellings where the lower density scheme was supported due to its '*relatively substantial impression of verdant and spacious suburban character that would remain*'. As a result of the amendments and increased density the 'verdant and spacious suburban character' would be lost.

5 dwellings on the site, given the surrounding density, would be considered overdevelopment. This was the case when considering application 2021/1024 where 3no. dwellings was seen as the maximum and hence the need for condition 22 which limited the amount of the properties on the site to 3 and also limited the height and scale of plot 1.

Highways

The site already has the benefit of outline planning permission for the erection of 3 dwellings and this application seeks to increase that number to 5 dwellings. The difference in the number of dwellings is achieved by altering two of the detached dwellings to two pairs of semi-detached dwellings. Although layout is not being considered at this stage, the site layout plan indicates that adequate parking provision can be accommodated.

With these proposals there are no changes to the access compared to those already approved, in terms of highway issues the only difference with this application is the increase in traffic that will be generated by two additional dwellings. It is not considered that the extra traffic movements generated by two more dwellings will result in a significant difference in terms of an impact upon the highway.

The proposals are therefore considered acceptable from a highways point of view, subject to the conditions on application 2021/1024 being included.

Ecology

A Preliminary Ecological Report has been submitted and concludes '*The site is not considered to be of greater than site level importance to any habitat or species group. In order to further reduce scheme impacts and to ensure the scheme maximises potential benefits to nature conservation, it is recommended that mitigation and enhancement measures detailed in Sections 6.3 and 6.4 are adopted*'.

Trees

The previous approval on the site allowed for clearance works, subject to landscaping conditions.

Summary

Despite the principle of residential development being set with the Planning Inspectors report associated with application 2019/1262, and, the outline approval of the 3no. dwellings under application 2021/1024, the proposed amendments to that scheme, namely the increase by 2no. units by subdividing the approved detached units, would have a detrimental impact on the verdant and spacious suburban character of the area, contrary to Local Plan Policy D1 the SPD and the design principles set out in the NPPF.

Recommendation

Refuse