
2023/0111

Applicant: Mr Paul Lawton

First floor extension above existing double garage to create two storey outbuilding with garage at ground floor with first floor office above with associated new windows

41 Thorncliffe way, Tankersley, Barnsley, S75 3DN

Site Description

The application site refers to a detached stone built dwelling located on Thorncliffe Way in Tankersley. Specifically, the application is in relation to a detached outbuilding which is located to the front of the dwelling, to the head of a shared access/driveway which serves the applicant's property.

The site is located in the urban fabric in what is an entirely residential estate characterised by dwellings which are of similar appearance to the applicant's property. There is a new residential estate located to the North (application 2018/1361).





Relevant Site History

B/95/0925/WO - Formation of access road to future residential development

B/96/0359/WO - Residential development - 71 dwellings

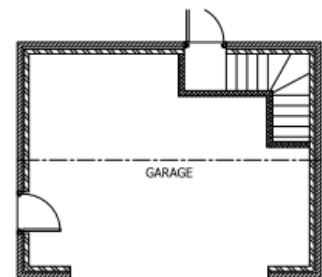
B/98/0071/WO - Residential development - 71 dwellings

B/98/0979/WO - Residential Development - 63 dwellings

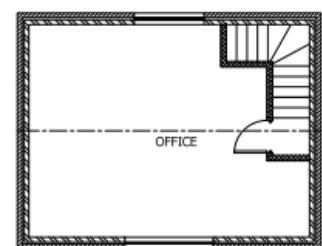
B/00/0064/WO – Substitution of house types

Proposed Development

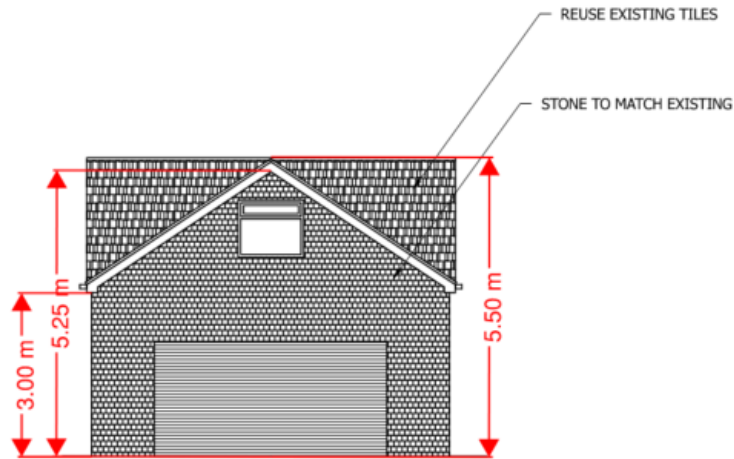
The applicant is seeking approval for the erection of a first-floor extension above the existing double garage which effectively creates a two storey outbuilding with a garage at the ground floor and office above. The agent has submitted an amended plan showing the outbuilding height to be reduced by 500mm to 5.5m and the eaves height reduced by 1.2m to 3m – when measured to the lower part of the eaves. The outbuilding is designed with an internal staircase connecting the garage and the office room, with a first-floor window on the front and rear elevations serving the office.



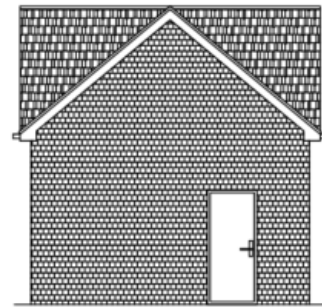
PROPOSED GROUND FLOOR PLAN
SCALE 1:100 AT A3



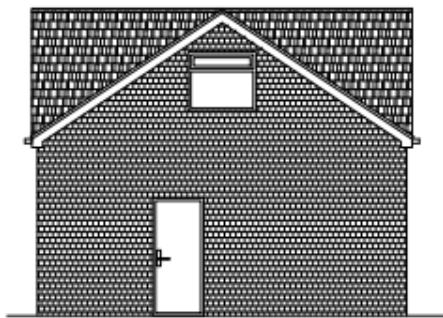
PROPOSED FIRST FLOOR PLAN
SCALE 1:100 AT A3



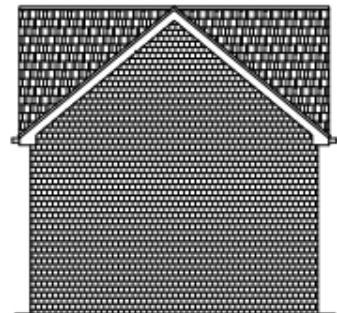
PROPOSED FRONT ELEVATION
SCALE 1:100 AT A3



PROPOSED END ELEVATION
SCALE 1:100 AT A3



PROPOSED REAR ELEVATION
SCALE 1:100 AT A3



PROPOSED END ELEVATION
SCALE 1:100 AT A3

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 development plan consists of the Core Strategy, saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

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

The new Local Plan was adopted at the full Council meeting held 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

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Relevant Local Plan policies include:

SD1 – Presumption in favour of sustainable development – When considering development proposals, we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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.

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.

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

- House Extensions and Other Domestic Alterations
- Parking

NPPF

The National Planning Policy Framework 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.

Paragraph 7 – the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 8 – achieving sustainable development has three overarching objectives:

- a) An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure
- b) A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 38 – Local planning authorities should approach decisions on proposed development in a positive and creative way.

Paragraph 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 should be severe.

Paragraph 119 – Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 120 – Planning policies and decisions should

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)⁴⁸; and
- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

Paragraph 126 - The creation of high quality, beautiful and sustainable 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.

Paragraph 134 – 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.

Consultations

Tankersley Parish Council – No comment

Representations

Neighbour consultation letters were sent to neighbouring properties; no comments were received.

Assessment

Principle of Development

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

Residential Amenity

The Council's SPD for House Extensions and Other Domestic Alterations is fairly clear in its expectations for outbuildings in the borough and how they would impact on neighbouring properties/residents. Section 8.26 of the SPD reads:

'Detached garages should be single storey structures and the eaves height should not normally exceed 2.5m from ground level. It is not considered appropriate for detached garages to include

dormer windows as a way of accommodating rooms in the roof space but in some circumstances (e.g. where the garage is set within a large curtilage) it may be possible to utilise the roof space for ancillary accommodation/storage but not as an annex/granny annex. Where the privacy of neighbouring residents would not be compromised it may therefore be possible to install roof lights.'

The outbuilding is clearly in conflict with the above section of the SPD.

The proposed garage extension brings the eaves height to 3m when measured from the base of the building to the lower part of the eaves. However, the garage features a very steep hipped roof, and the highest part of the eaves is 5.25m, which also creates a large gable wall on the boundary line shared with the neighbouring property at no. 43. The layout of the site and positioning of the outbuilding is not being altered with the outbuilding situated on the North-Eastern boundary line of the site which is shared with the rear garden of no. 43. The front elevation of the garage faces South-East, partially onto the rear elevation of no. 43 at a distance of 8.8m from the closest part of the garage to the rear elevation of no. 43. The typical separation distance expected between habitable room windows and blank gable walls is 12m, which is not met in this instance. The increase in eaves and roof ridge height of the garage, at a very close proximity to the neighbouring property and its side boundary line, is considered to result in significant levels of enclosure to the neighbouring property, resulting in loss of outlook. The proposed development is therefore considered to have an overbearing impact on the neighbouring property.

Further, the development seeks to erect a first-floor extension to the garage to create a two-storey building with an office room in the first floor. The front elevation of the outbuilding will contain a window serving the office which faces partially onto the rear elevation of no.43 at a close distance of 10m. An office is not specifically outlined within any local planning policies as being a 'habitable' room, but it would look directly onto the rear elevation of the neighbouring property at a very close distance (c. 10m), as well as partially into the rear garden. The rear elevation also contains a window at the first floor serving the office. This is also not in line with the SPD which states that outbuildings should be single storey structures and roof lights are only acceptable in large curtilage areas where privacy of neighbouring properties is not detrimentally affected. Whilst the office use is not specifically defined as habitable in any local planning policies, it will nonetheless introduce a new use to the outbuilding and the relationship with the neighbouring property. An office is also a wide-ranging use and given the increase amount of home working nationally, will very likely represent a consistent everyday use. In this manner, it is clear that the privacy of the neighbouring property at no. 43 is clearly compromised.

The above concerns are further accentuated by the fact that Thorncliffe Way is sloping, with the applicant's garage being at a higher level than the neighbouring property, with the site visit showing a clear drop in ground levels to the rear garden area. The proposed development will therefore lead to a significant sense of enclosure, detrimental impact on its outlook and reduction in the privacy of the neighbouring property at no. 43.

The proposed development is contrary to the Council's SPD: House Extensions and Other Domestic Alterations and Local Plan Policy GD1: General Development which requires the LPA to protect and safeguard the amenity of existing and future residents and is considered to be unacceptable in terms of residential amenity.

Visual Amenity

The Council's SPD for House Extensions and Other Domestic Outbuilding provides guidance for outbuildings stating that (Section 8.25):

'Detached garages should relate sympathetically to the main dwelling in style, proportions and external finishes. In most cases, it will not be appropriate for a garage to be sited between the house and the road.'

And

'Detached garages should be single storey structures and the eaves height should not normally exceed 2.5m from ground level.' (Section 8.26).

More generally, all residential development should comply with the general design principles outlined in section 3.1 of the SPD which reads:

'Proposals for house extensions, roof alterations, outbuildings and other domestic alterations should:

- 1. Be of a scale and design which harmonises with the existing building*
- 2. Not adversely affect the amenity of neighbouring properties*
- 3. Maintain the character of the street scene and*
- 4. Not interfere with highway safety.'*

Local Plan Policy D1 also expects all developments to be of a high-quality design which contributes to place making. Additionally, NPPF paragraph 134 of the NPPF states that development, which is not well designed should be refused, especially where it fails to reflect local design policies.

The proposed development is not in line with several elements of the SPD in relation to outbuilding design and general principles, as well as being considered to be contrary to Local Plan Policy D1 and paragraph 134 in that it does not propose high quality level of design which reflects well to the existing character of the area or improves visual amenity.

Firstly, the development proposes an outbuilding which effectively creates a two-storey structure which has an eaves height of 3m to the lowest part and 5.25m to the highest part, creating large blank gable walls on both side elevations, as well as a high roof ridge height (5.5m). This exceeds the limitations of a 2.5m eaves height in the SPD and the excessive roof ridge height is comparable to a two-storey dwelling within the Borough, clearly way exceeding typical domestic outbuilding standards. The outbuilding is not considered to be sympathetically sized compared to the existing dwelling given its excessive height and scale for a domestic outbuilding. Further, the outbuilding contains windows on the front and rear elevations and on balance appears as a very large structure which is not of a scale and design which harmonises with the existing dwelling, or character of the area/street scene. The proposed development is wholly uncharacteristic of the area, does not relate well to the existing and does not raise the design standard in the nearby vicinity.

The issues raised above are accentuated by the fact that the existing garage is located forward of the principle elevation of the dwelling and is in clear view from the street and neighbouring properties. The proposed outbuilding extension is considered to have a detrimental impact on the character of the area, as well as setting an unwanted precedent for further inappropriate development in the area, or elsewhere in the borough.

It is appreciated that the agent has made an attempt to reduce the size of the garage by reducing the roof ridge by 500mm and the eaves height by 1.2m, but nonetheless this does not bring the garage in line with local or national planning policy.

The proposed development is therefore contrary to Local Plan Policy D1, the Council's SPD for House Extensions and Other Domestic Alterations as well as paragraph 134 in the NPPF and is considered to be unacceptable in terms of visual amenity.

Highway Safety

The proposed development seeks to amend the existing outbuilding which contains a garage, but the garage and parking area on site will be unaffected by the development. The proposal is in line with the Council's SPD for Parking and Local Plan Policy T4 and is acceptable in terms of its impact on highway safety.

Conclusion

The applicant is seeking approval for the erection of a first-floor extension to the existing outbuilding which will effectively form a two-storey outbuilding with a garage at the ground floor and office at the first floor. The roof ridge height will be raised to 5.5m, with the eaves height raised to 3m at the lowest point and 5.25m at the highest point with large gable walls on all sides. The Local Planning Authority has considered that the development is not in line with relevant parts of the Council's SPD for House Extensions and Other Domestic Alterations, Local Plan Policies D1 and GD1 as well as paragraph 134 of the NPPF. Concerns have therefore been raised in relation to the below.

Firstly, the proposed outbuilding extension will effectively create a two-storey structure with an eaves height which exceeds the limitation of 2.5m in the SPD, as well as an excessive roof ridge height (5.5m) when compared to the existing dwelling, surrounding street scene and by typical domestic outbuilding standards. The proposed development is therefore not considered to be sympathetic to the host dwelling, is excessively sized for a domestic outbuilding in a prominent position ahead of the principle elevation of the property and in clear view of the nearby public realm. It does not relate well to the existing character of the dwelling or

surrounding street scene which and has a detrimental impact on the visual amenity of the area, contrary to Local Plan Policy D1 and paragraph 134 of the NPPF which states that development should be refused for developments which are poorly designed.

Secondly, the outbuilding is situated on the boundary line shared with a neighbouring property (no. 43) and seeks to erection a first-floor extension to the outbuilding which raises the eaves and roof ridge height to levels which are excessive and not in line with the SPD. The outbuilding contains an office at first floor level with windows on the front and rear elevation, with the front window facing onto the rear elevation of no. 43, significantly decreasing the level of privacy enjoyed by the neighbouring property. Further, the raising of the roof height will lead to a much greater sense of enclosure to the neighbouring property's rear-facing window and rear garden area, leading to a significant loss of outlook and the extension having an overbearing impact over the neighbouring residents. This is contrary to Local Plan Policy GD1: General Development and SPD: House Extensions and the proposed development is considered to have a significant detrimental impact on the amenity of the neighbouring residents at no. 43.

Based on the above concerns, the proposed development is recommended for refusal.

Recommendation

Refuse