
2022/0344

Applicant: Mr Mick Lopia

Demolition of existing garage outbuilding and erection of 2no semi-detached dwellings and associated works including access from Rother Croft (Outline seeking approval over means of access and layout)

Land to the rear of 55 Market Street (fronting Rother Croft), Hoyland, Barnsley, S74 0ET

Site Description

The application site is in relation to the rear garden of a residential property – 55 Market Street – in Hoyland. The main architectural details of the property are on the West elevation facing onto Market Street. However, the main vehicular access is off Rother Croft facing South. Rother Croft is a residential cul-de-sac off Market Street which is the main North-to-South Road through Hoyland Town Centre, leading to the main district centre and shopping/commercial frontage. The curtilage of no. 55 stretches around the front (adjacent to Market Street), to both sides and rear with a grassed garden to the front and rear, as well as a detached outbuilding in the rear garden area.

The immediate surrounding area is primarily residential, but Market Street is mixed use with a petrol station to the North, and other commercial properties/services nearby before forming the district centre to the South. Rother Croft is characterised by detached residential dwellings, most of which are fairly uniform in terms of their design characteristics (red brick with a mix of parking and soft landscaping to the front).





Relevant Site History

B/88/0926/HN – Erection of extension to dwelling (Historic)

B/93/0602/HN – Outline for proposed conversion of building to form a dwelling (Historic)

B/00/0911/HN – Erection of detached garage (Historic)

2008/1277 – Erection of side two storey extension to dwelling and a detached double garage (Refused)

2009/0982 – Erection of a two-storey side extension and detached single storey garage to dwelling (Resubmission) (Approved with Conditions)

2012/0346 – Erection of porch to side of dwelling (Approved with Conditions)

2012/0954 – Erection of a two-storey rear extension and erection of a detached garage (Approved with Conditions)

2013/1335 - Erection of pitched roof to garage and installation of solar panels, erection of extension to front boundary wall to match 5 Rother Croft (Approved with Conditions)

Proposed Development

The applicant is seeking outline approval (access and layout considered) for a residential development in the rear garden of the dwelling for 2 x dwellings. 2 x parking spaces are shown to the front of each property with associated rear garden area serving each property. The proposed development has been amended during the course of this application with the following alterations:

1. Re-positioning of the dwellings 4m to the South,
2. Changing the dwelling type from detached to semi-detached,
3. Alterations to the parking provision and dwelling frontages,
4. Increasing the size of the retained rear garden area for the host dwelling (no. 55) to 202sqm.



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 (adopted January 2019), alongside the Joint Waste Plan and relevant neighbourhood plans, form the statutory development plan for Barnsley. It establishes policies and proposals for the development and use of land up to the year 2033 and will be used when considering planning applications and to coordinate investment decisions that affect the towns, villages and countryside of Barnsley. The Local Plan supersedes the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Local Plan

In reference to this application, the following policies are relevant:

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.

T3: New Development and Sustainable Travel – New Development will be expected to:

- Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists.
- Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document.

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.

Poll1: Pollution Control – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people. Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

H4: Residential Development on Small Non-allocated Sites – Proposals for development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with Other Relevant Policies in the Plan.

H9: Protection of Existing Larger Dwellings – Development within the curtilage of existing Larger Dwellings will be resisted where it will have an adverse impact on the setting of the original dwelling, and the size of the remaining garden area.

Supplementary Planning Documents

- Design of housing development
- Parking
- Sustainable Travel

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.

In respect of this application, the policies above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 124 (general design considerations) and paragraph 130, which state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Other material considerations

South Yorkshire Residential Design Guide - 2011

Consultations

Drainage – No details have been submitted or shown on the plans submitted with the application form describing foul to discharge to 'Unknown' and surface water to 'SuDs'. Therefore, no constructive comments can be made regarding the planning application however the site is well served by sewers and a conditional approval is acceptable.

Highways DC – No objection to the proposal. The proposed site access is already an existing vehicular access and is suitable to serve the two proposed dwellings. The layout includes adequate off-street parking provision for the development, the spaces are of sufficient size and there is room for vehicles to turn within the site. Recommended a condition referring to hard surfacing and gates only moving inwards.

Ward Councillors – No comments received.

Representations

Neighbour consultation letters were sent to neighbouring residents with a site notice placed nearby; one comment was received objecting to the proposal stating that the level of the land is at a higher level than the neighbouring land and the development of two dwellings will result in overlooking and an impact on the privacy enjoyed by neighbouring properties.

Assessment

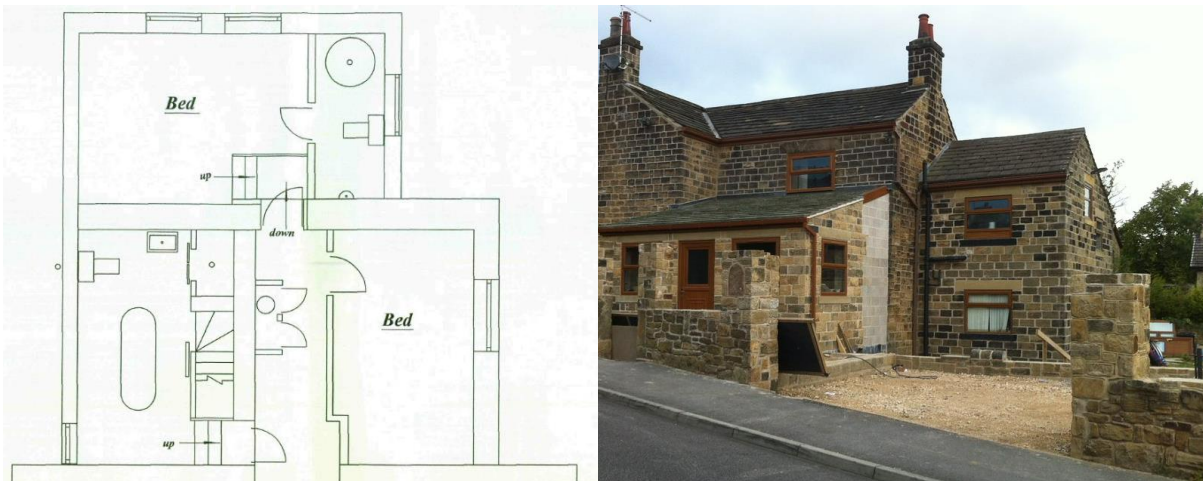
Principle of development

The site is an existing residential dwelling in an area characterised as Urban Fabric in the Local Plan. Whilst residential is the established use of the site, and the immediate area, it is necessary to assess the proposed in accordance with Local Plan Policy H9: Protection of Existing Larger Dwellings. Local Plan Policy H9

states that development within the curtilage of the original dwelling and the size of the remaining garden area.

The proposed development has been amended to reduce the impact on the setting of the existing dwelling (no. 55) which includes increasing the retained rear garden area to 202sqm, which vastly exceeds the minimum 60sqm required for new build 4-bedroomed+ properties. There is also garden area retained to the front measuring c.250sqm. This is not private space as there are views into this area from both Market Street and Rother Croft. However, it can be added to the total retained garden space for the host dwelling and the total area is considered to be adequate for an existing larger home.

The rear elevation of the existing dwelling would face onto the side elevation of one of the proposed dwellings at a separation distance of 9m. The existing floor plans shown on application ref. 2009/0982 indicate that the windows on this rear elevation of the host dwelling at first floor level serve a bedroom (see screenshot below). A photograph from the subsequent planning application (2012/0954) shows that the proposed extension from this time was not built and the evidence suggests that the 2 x first floor windows on the rear elevation of the host dwelling indeed serve a bedroom. The separation distance of 9m is less than the minimum distance expected of 12m, reducing the outlook from these windows and leads to a greater sense of enclosure to what is the only private external space serving the host dwelling, contrary to Local Plan Policy H9. As such, it is felt that the proposed development detrimentally affects the setting of the host dwelling by virtue of the loss of outlook and much greater sense of enclosure. The agent has stated that it would be possible to close these openings in order to alleviate the concerns. However, the existing property has not been included within the red line boundary and this could not be controlled through this proposed development and cannot be considered. In any case, a judgement call would have to be made as to made whether this would detrimentally impact the amenity of the existing residents through removal of required habitable room windows.



Local Plan Policy H4 allows for residential development on small non-allocated sites (below 0.4 hectares) where the proposal does not conflict with other relevant policies in the Local Plan. As mentioned above, there is conflict with Local Plan Policy H9 and assessment against other relevant planning policies and guidance will be undertaken in the sections below.

Residential Amenity

The outline application is for access and layout so at this stage there is no detailed drawings for the properties including dwelling height and placement of habitable room windows etc. However, there are concerns raised by the local planning authority in regard to the proposed layout and its impact on residential amenity. Rother Croft has a slight South-West to North-East slope, with the site being at a higher ground level than the neighbouring property to the North (no. 4 Rother Croft). The amended layout shows 2 x semi-detached properties which are fairly narrow (5m width) and will more than likely be two storey or two and a half storey properties. As such, it is also very likely that there will be habitable room windows located on the rear elevations of both dwellings at first floor level. The properties are closer to the road than no. 4, with the proposed layout showing that the rear elevations will be 3m further South than the existing rear elevation of no. 4 and 7.5m further South of the rear extension at no. 4. A general estimate of where the habitable windows will be positioned has been undertaken and the likely placement would result in significant levels of overlooking into the neighbouring property's extension (containing 2 x side windows) and rear garden area at no.4.

Additionally, new buildings have a much greater overshadowing impact on neighbouring properties when they are located directly to the South, South-East or South-West. In this case, the properties are to the South-East of no. 4 Rother Croft and in a similar vein to the above, will result in a significant overshadowing impact over no. 4's rear extension and rear garden area. This is clearly a limited assessment at this stage given that the outline is only for access and layout with no plans showing the height of the proposed dwelling. But nonetheless, it is the opinion of the Local Planning Authority that the development is also very likely to lead to significant overshadowing, which is contrary to Local Plan Policy GD1 and the SPD for Design of Housing Development.

Further, the impact on the host dwelling has already been discussed in the above section, however it is felt that the impact is worthy of its individual assessment within this section of the report. This is due to the fact that the proposed siting of the dwellings are within 9m from the rear elevation of the existing dwelling and will have a detrimental impact on the outlook enjoyed by the existing residents of the host dwelling, as well as leading to a greater sense of enclosure. Ultimately, this will have a harmful impact on the residential amenity enjoyed by the residents of the host dwelling, contrary to Local Plan Policy GD1 which seeks to protect the amenity of the existing residents.

To conclude this section, the proposed development is considered to have a detrimental impact on the residential amenity enjoyed by neighbouring properties/residents, contrary to Local Plan Policy GD1 and the SPD for Design of Housing Development. The proposed outline application therefore will have a detrimental impact on the residential amenity enjoyed by neighbouring properties.

Visual Amenity

The site is located and accessed from Rother Croft which is a residential cul-de-sac off Market Street in Hoyland. Market Street is mixed use; however, the immediate surrounding area is residential with Rother Croft being entirely residential. Rother Croft is characterised by detached dwellings, set slightly back from the road with off-street parking spaces and soft landscaping. The proposed dwellings are 2 x semi-detached properties which goes against the development pattern in the area and is not considered appropriate.

Landscaping is not being formally considered at this stage, but the proposed layout of development will result in a car-dominated frontage with no available space for soft landscaping to the front of the dwelling. The SPD: Design of Housing Development states that parking areas to the front of dwellings should be designed to reduce their dominance and continuous strips of parking to the front of dwelling parking are not acceptable. The SPD also states that a 50/50 split for hard/soft landscaping balance is recommended. This isn't achieved through this particular development which is considered to be completely out of character with the surrounding area and doesn't contribute positively to the street scene.

It is appreciated that the original scheme showed 2 x detached properties which are more in keeping with the surrounding area and this has been altered in an attempt to reduce the impact on residential amenity (covered above). However, this has created alternative problems in terms of design as the layout directly goes against entirely against the pattern of development in the area, contrary to Local Plan Policy D1 and the SPD for Design of Housing Development.

Highways

The proposed development is served from Rother Croft which is an unclassified road and there are 2 parking spaces retained for both proposed dwellings, and the host dwelling which is in compliance with the Council's SPD for Parking. The proposed development is also in compliance with Local Plan Policy T4 and is acceptable in terms of highways safety/access.

Sustainable Travel

The Council has adopted the Sustainable Travel SPD which requires all new residential developments/units to contain at least one EV charging point. No indication has been provided by the agent which indicates that the development will include this, but the LPA has a standard pre-commencement condition which requires the developer to submit such details and for the LPA to approve. The condition will be attached to any forthcoming decision notice for this application.

Drainage

No drainage details were provided at this stage, but the site is well served by sewers and colleagues in drainage have not objected to the proposal. A conditional approval was recommended by drainage.

Conclusion

The site is in relation to the rear garden of a residential dwelling – 55 Market Street, Hoyland – which has 4+ bedrooms and is therefore considered an existing larger dwelling. The proposed development is an outline application for a residential development for 2 dwellings which has been amended through the course of the application. It is appreciated that the area is an established residential area, however the development is contrary to several local plan policies including Local Plan Policy H9 which seeks to protect existing larger homes, D1 which requires high quality design and GD1 which seeks to protect the amenity of neighbouring properties. Additionally, the proposed development is contrary to the SPD for Design of Housing Development and Local Plan Policy H4 which states that development on small non-allocated sites is only acceptable when the development is in compliance with relevant Local Plan Policies.

As such, the Local Planning Authority has assessed the application and recommended refusal for the following reasons:

1. Impact on existing larger dwelling – The outline application is within the rear garden of a larger dwelling (4+ bedrooms) – 55 Market Street, Hoyland – and is located within very close proximity of the rear elevation of the host dwelling, resulting in a loss of outlook and a greater sense of enclosure, harming the setting of the existing larger home. The setting of an existing larger home is protected under Local Plan Policy H9, and the development is therefore contrary to Policy H9. Local Plan Policy H4 is also relevant which states that residential development on small non-allocated sites is permitted subject to other relevant Local Plan Policies being complied with. The proposed development is not in compliance with several Local Plan Policies and H4 is therefore not complied with.
2. Impact on residential amenity – The proposed units are positioned within close proximity of the neighbouring property to the North-East (no. 4 Rother Croft). The design (such as height) of the dwellings is unspecified and not considered at this stage but the proposed dwellings will very likely be two storey (or two and a half storey) properties containing habitable room windows on the rear elevation, facing onto no.4's rear extension and its rear garden area, alongside having a significant overshadowing impact. Both of these elements are accentuated by the fact that the proposed units are set further to the South of no. 4. Additionally, the proposed positioning will have a detrimental impact on the outlook from the host dwelling (no. 55 Market Street) and will lead to a greater sense of enclosure to this property, contrary to Local Plan Policy GD1 and the Council's SPD for Design of Housing Development.
3. Inappropriate dwelling type, Layout and Design – Rother Croft is characterised by detached properties, set back from the road with the majority of dwellings featuring a mix of hard surfaced parking areas and soft landscaping to the frontage. The proposed layout of the development shows 4 x off-street parking spaces in a continuous row with very little/no space for soft landscaping. This is contrary to the SPD: Design of Housing Development which encourages parking to the side of new dwellings and a 50/50 split of hard surfacing and soft landscaping to the front. The proposed layout is therefore against the pattern of development within the area in terms of dwelling type and the positioning within the site itself, which is contrary to Local Plan Policy D1 and the SPD for New Housing Development.

For the reasons outlined above, the application has been recommended for refusal.

Recommendation

Refuse