

2024/0619

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Land rear of 41 - 43 King Edward Street, Monk Bretton, Barnsley

Erection of a pair of semi-detached houses and associated works

Site Description

The application site is a spare piece of land which is currently vacant in between King Edward Street and Heysham Green in Monk Bretton. The site houses an electricity substation and previously appears to have been a garage site or had some sort of small buildings on it. The site is located to the northeast of King Edward Street and predominantly accessed from it with another pedestrian only access from Heysham Green. The land borders residential dwellings on all sides including on Preston Way and a mixture of different dwelling types and sizes are present.

Proposed Development



The applicant is seeking approval for the erection of two, two-storey semi-detached dwellings. The dwellings have a length of 9.95 metres and a width of 5.3 metres each. They feature pitched roofs with a ridge height of 8.15 metres and eaves heights of 4.9 metres. The dwellings accommodate a combined kitchen/living/dining room on the ground floor and three bedrooms and a bathroom on the first floor. To the front of the properties is a bin store and pedestrian access to the front door. A driveway providing parking is to the side of each dwelling and a garden each is proposed to the rear.

Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

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.

Policy H4: Residential Development on Small Non-Allocated Sites – Proposals for residential 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.

Policy H6: Housing Mix and Efficient use of land – Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population. Proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

Policy Poll1: Pollution Control and Protection – 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.

Policy BIO1: Biodiversity and Geodiversity – Development will be expected to conserve and enhance the biodiversity and geological features of the borough.

Policy 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.

Policy 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

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The most pertinent SPD's in this case are:

- Biodiversity
- Design of Housing Development
- Parking

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

Other Guidance

- South Yorkshire Residential Design Guidance

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 sections include:

- Section 12: Achieving well-designed places

Consultations

The LPA's Biodiversity Officer was consulted and raised no objections subject to conditions.

Highways Development Control (DC) were consulted and raised no objections subject to conditions.

Highways Drainage were consulted and raised no objections.

Monk Bretton Ward Councillors were consulted and raised no objections.

Pollution Control were consulted and raised no objections subject to conditions.

South Yorkshire Police were consulted and raised no objections.

Yorkshire Water were consulted and raised no objections.

Representations

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

Neighbour notification letters were sent to surrounding properties and a site notice posted.

Five objections were received and in summary raised the following points which are material planning considerations:

- Biodiversity, trees and wildlife
- Highways Safety
- Impact of construction work
- Lack of affordable and social housing
- Lack of privacy and effect on private amenity space
- Loss of sunlight and overshadowing
- Noise and disruption
- Overdevelopment
- Parking
- Public access to Heysham Green
- Scale, scope and size of the properties
- Waste disposal

Construction works whilst impactful is a temporary impact and controlled by planning conditions. Whilst the lack of affordable housing is noted this proposal is for two dwellings which does not meet the threshold to require the provision of affordable housing. The size of the two dwellings proposed is similar in scale and character to the existing dwellings in the area and the proposal is not considered overdevelopment as the site can comfortably accommodate the proposal. Other considerations not addressed above will be addressed in the assessment section.

Additionally, the following non-material planning considerations were raised:

- Community against development
- Concerns about property security
- Disruption to utilities
- Distress to residents
- Enjoyment of homes impacted
- Impact on mental health and wellbeing
- Impact upon property values
- Impact upon the ability to work from home
- Pedestrians in the area during building works
- Site access concerns
- Addition of two no. dwellings will lead to rats and vermin

It is noted the site has been informally used for parking and access to existing properties however the land is not in the ownership of said users. The applicant as the owner of the land therefore has the right of use.

Assessment

The main issues for consideration are as follows:

- The acceptability of residential development
- The impact on the character of the area
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards
- The impact on biodiversity

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of Development

The site is located within an area of Urban Fabric where Local Plan Policies GD1 'General Development' and H4 'Residential Development on Small Non-allocated Sites' apply. These require that development should be compatible with its surroundings and in this case the street scene is largely residential, as such the use of this site for residential use would be in keeping with the locality. The site is accessed via a drive off King Edward Street which serves the adjacent dwellings, and the application site is considered to be backland development. The SPD for design of housing development has a dedicated section relating to backland development which reads the following:

As well as the general criteria, including the external spacing standards, backland development should aim to comply with the following:

- *Tandem development, with one dwelling directly in front or behind another sharing the same access, will almost always be resisted.*
- *Piecemeal development, which could prejudice the potential comprehensive development of a larger area of land, should be avoided.*
- *Backland development is most effective where it includes a number of dwellings served by an adopted highway, which is capable of being used by refuse and other servicing vehicles. Long, narrow private drives (typically in excess of 30m), which would result in excessive 'man carry distances' should be avoided.*
- *Backland development may be more acceptable in circumstances where there is an existing use at the rear of dwellings and where residential development would benefit the amenity of existing residents and the character and appearance of the locality.*

The proposal complies with the above policy as the access drive is not excessive in length and under the recommendation. The access drive already serves residential properties, and the site was formerly a garage site. The dwellings would be set in line with the dwellings to the northeast and would not appear isolated. As such, it is felt that the general requirements of developing a backland development/infill plot are achieved. This weighs moderately in favour of the proposal.

Furthermore, all new dwellings 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.

Residential Amenity

The proposal involves the erection of two semi-detached dwellings. Other dwellings are adjacent and most notably to the north (47 & 49 Preston Way) northeast (51 & 53 Preston Way), east (30, 32, 34 & 36 Heysham Green), southeast (26 & 28 Heysham Green), southwest (37, 39, 41 & 43 King Edward Street) west (45, 47, 49, 51 & 53 King Edward Street) and northwest (43 & 45 Preston Way).

Therefore, the impact upon the residential amenity of these properties is an important consideration. The site was previously spare land which is surrounded by residential dwellings therefore the use of the site for residential purposes is in keeping with the adjacent uses.

In terms of external spacing standards and overlooking, the SPD Design of Housing Development states that a minimum of 21 metres should be achieved between facing habitable room windows, and 12 metres should be maintained between habitable room windows and a blank side elevation. No first-floor habitable room windows will face the adjacent dwellings to the northeast, east, southwest and west as the habitable room windows are located on the front and rear elevations. Habitable room windows will face the adjacent dwellings to the north, southeast and northwest.

The dwellings to the north are two storey and separated by the proposed turning area and neighbouring rear garden areas. A distance of approximately 23 metres is maintained to a rear elevation from the proposed front elevations which is therefore acceptable.

The dwellings to the southeast are single storey and separated by the proposed rear garden areas and a distance of approximately 12 metres is maintained to a blank side elevation. Furthermore 10 metres is maintained to the rear boundary of the site and the neighbouring garden areas. Therefore, the separation distances to these properties and rear boundary are acceptable which weighs significantly in favour of the proposal.

The dwellings to the southwest are two storey and separated by the rear garden areas and a driveway which form the rear amenity space of these properties. A distance of 12 metres is maintained from the two-storey element of these dwellings to the side elevation of the proposed dwellings which does not feature any habitable room windows at first floor level on the side elevation.

The dwellings to the northwest are two storey and separated by the proposed turning area and neighbouring rear garden areas. A distance of approximately 22 metres is maintained to a rear elevation from the proposed front elevations which is therefore acceptable. This weighs significantly in favour of the proposal.

The proposal should not cause any significant overbearing or overshadowing to any neighbouring dwelling. The dwelling is set to the south of some dwellings but as discussed above the separation distances from these dwellings is 23 metres and greater. The dwellings are set in line with the dwellings to the east albeit it with a slight projection from the front and rear elevations compared to those dwellings. This is required to ensure the dwellings comply with internal space standards.

The proposed dwelling has been designed with adequate room sizes and external amenity space of over 70sqm per dwelling which is in compliance with the standards set within the SPD and the SYRDG. The proposal is considered to be acceptable in terms of residential amenity in accordance with the SPD Design of Housing Development and Local Plan Policy GD1.

Visual Amenity

The street scene consists of a mix of dwelling types consisting of semi-detached and terraced two storey dwellings and semi-detached bungalows as such development on this site should relate to these adjacent properties. The proposal involves the erection of two semi-detached two storey dwellings with a pitched roof. In terms of materials the street scene predominantly features brick-built dwellings. The proposed materials will harmonize with the appearance of the adjacent dwellings. This weighs moderately in favour of the proposal.

The site was previously vacant; therefore, it adds little to the visual amenity of the street scene. The majority of the adjacent dwellings are also two storey and the dwellings to the north on Preston way and to the southwest on Kind Edward Street are also semi-detached.

The adjacent dwellings to be set in line with to the east on Heysham Green are terraced dwellings however this change is not deemed to be significantly detrimental to the visual amenities of the street

scene. As such, the proposed dwellings would not be contrary to the development pattern of the area or appear as an overly anomalous feature in the street scene. This weighs significantly in favour of the proposal.

The design of the dwellings is relatively simple and would be of a scale which harmonises with that of the adjacent dwellings to the north, northeast, east and the other dwellings on King Edward Street. The proposed design and materials are deemed sympathetic to the street scene, and it would not have a negative impact in terms of being an anomalous feature. Landscaping and boundary treatments are not indicated on the submitted site plan and will therefore be dealt with via conditions. This has limited weight against the proposal. On the whole the development is acceptable in terms of visual amenity and impact upon the street scene in accordance with the SPD Design of Housing Development and policy D1 of the Local Plan.

Impact Upon Biodiversity

The LPA is satisfied with the content of the report and metric provided. It is noted that the biodiversity net gain report refers to the Environment Bill 2020, however this is now the Environment Act 2021. Furthermore, detailed condition assessments for each habitat type have not been provided. However, as this application could have been completed using the Defra small sites metric where condition assessments are not required, in this instance it is not essential that they are submitted. The development shall be completed in line with the Biodiversity Net Gain Report and the conditions of the planning permission. All the recommendations shall be implemented in full according to the timescales laid out, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently maintained for the stated purposes of biodiversity conservation. This weighs moderately in favour of the proposal.

Highway Safety

There will be no impact upon highway safety. The proposals would create two dwellings each with off-street parking for two vehicles each. This aligns with the advice given in the council's Parking SPD. The existing private drive is 3.9 metres wide, but it is proposed that this will be widened to 5 metres for the whole length of the driveway, narrowing to 4.4 metres in width as the driveway meets the proposed dwelling, then widening in front of the property to 6.275 metres. This will allow two vehicles to pass safely and is acceptable. Whilst concerns were raised over waste disposal, in storage and collection pads are also demonstrated. Furthermore, the access to Heysham Green will also be maintained as shown on the plans. This weighs significantly in favour of the proposal.

Conclusion

Having balanced all material planning considerations, whilst objections have been received in respect to the proposal, some cannot be taken into account due to being civil matters and non-material planning consideration, or by being addressed by the relevant consultees and being addressed in relation to supplementary planning guidance and planning policy. The proposed dwellings will therefore not be significantly harmful to residential and visual amenity. Although it is noted there will be disruption during construction this is a temporary issue and can be controlled by condition. As a consequence, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations. The proposal is therefore, on balance, recommended for approval.

Recommendation

Approve with conditions