

**2024/0965**

**Mr Ash Patel**

**75 Huddersfield Road, Barnsley, S75 1AA**

**Erection of single storey front extension to existing shop**

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### **Site Description**

The site is an existing retail unit set on the ground floor of a semi-detached building located on Huddersfield Road. The adjoining building only features a ground floor at street level hosting a hair salon and a hot food takeaway. The land slopes to the rear providing basement levels for these buildings. The takeaway has recently installed a large front extension (2021/0070). Parking is provided to the front of units. The street scene consists of other commercial uses in the immediate vicinity with residential uses beyond.

### **Planning History**

B/82/0293/BA - Erection of shop extension (Historic)

B/92/1328/BA - Installation of new shop front and security roller shutters (Historic)

B/00/0776/BA/AD - Display of illuminated double-sided free-standing advert display unit (Historic)

2009/1500 - Display of externally illuminated fascia sign and window graphics to convenience store (Approved with Conditions)

2011/0659 - Erection of side and rear extension to commercial/residential premises (Withdrawn)

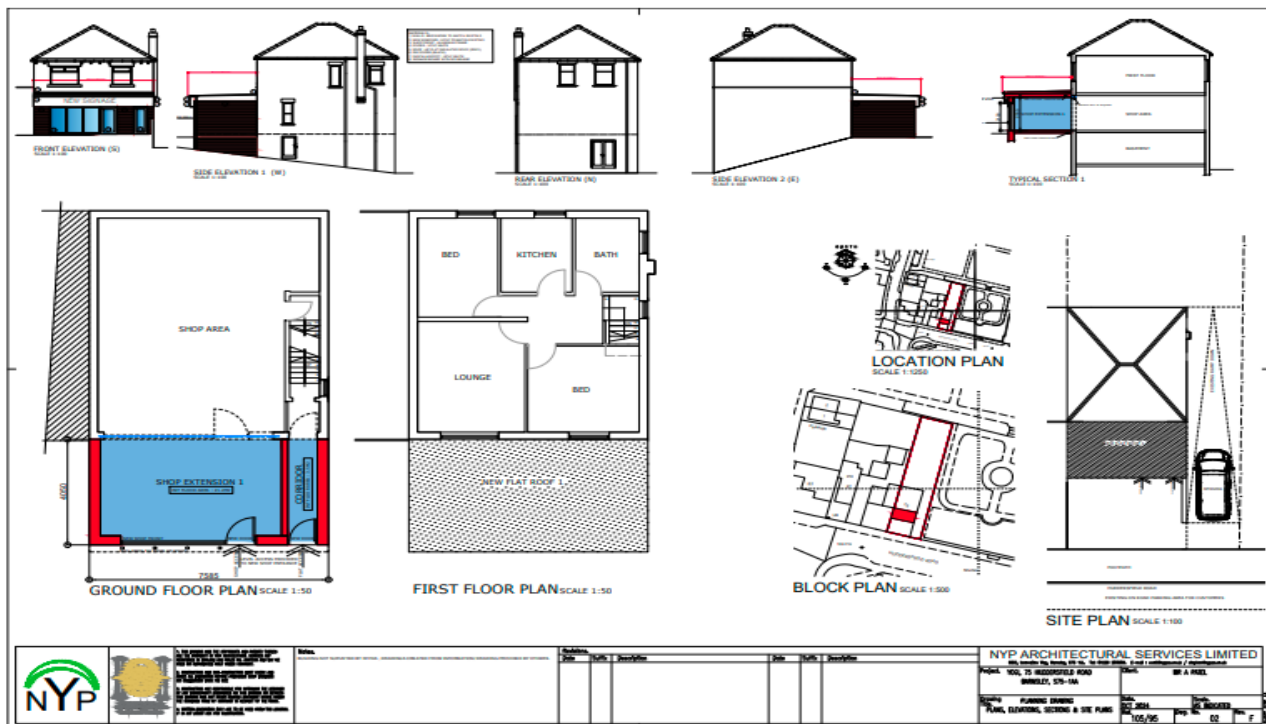
2012/0082 - Erection of 3 storey rear extension accommodating basement flat, shop extension and first floor office, single storey front extension and detached double garage at rear (Approved with Conditions)

2016/0195 - Installation of new shopfront including access ramp (Approved with Conditions)

2016/0475 - Display of 1 no. externally illuminated fascia sign and 1 no. non illuminated sign to shop (Approved with Conditions)

### **Proposed Development**

The applicant is seeking approval for a single storey front extension to the existing retail unit. The extension will project 4 metres from the existing front elevation of the shop. The extension has a width of 7.6 metres. The extension will feature a flat roof with a total height of 3.15 metres when measured from the front elevation. The materials will be matching brickwork to the existing building.



## 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 TC5: Small Local Shops** – Outside existing centres small shops that meet the daily shopping needs of a local community will be permitted where:

- The shops are of a type and in a place that would meet daily shopping needs and this need is not already met by existing shops; and
- The shops are located and designed to encourage trips by pedestrians and cyclists and would not encourage car trips.

**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 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.

**PolicyT4: 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:

- Parking
- Residential amenity and the siting of buildings
- Shop front designs

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

#### 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

#### **Consultations**

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

Highways Drainage were consulted and raised no objections.

The Mining Remediation Authority were consulted and raised no objections.

Old Town Ward Councillors were consulted, and one objection was received.

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

The South Yorkshire Mining Advisory Service were consulted and raised no objections.

The objection from one of the Old Town Ward Councillors states that the proposed development would affect the business of the adjacent hairdresser. This would be by taking light and obscuring the sight of the premises from the street and passers-by, thereby affecting passing trade. Also, by taking working light from the shop and dramatically reducing parking at the site. The proposal would be bad for a currently thriving adjacent local business.

## **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 erected near the building, one objection was received and in summary raised the following points.

- The extension would impact my business as it would block out the frontage of my unit.
- It would cause a loss of light.
- The front of the shop is used for services and deliveries every day, there is no room for deliveries and parking if the extension takes away the frontage of the unit.
- With the extension of 79 Huddersfield Road if the proposed extension goes ahead my unit would be squashed in between.
- The materials of both extensions would be different.
- There is land at the back of their unit which could be used instead.

## **Assessment**

The main issues for consideration are as follows:

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

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 falls within urban fabric which has no specific land allocation; however, the site and nearby area is made up principally of housing with the addition of existing retail units on Huddersfield Road including a hot food takeaway. The use of the building as a shop is not anomalous and this is a longstanding use, and the proposed extension is to support the current use. This weighs significantly in favour of the proposal. The proposed extension is acceptable in principle where it will not have a detrimental impact on the amenity of surrounding residents, visual amenity and highway safety.

## Visual Amenity

The proposed extension would be to the front of the unit and would be in a relatively prominent position when viewed from Huddersfield Road as well as the area of Green Space and Green Foot Lane directly opposite the site. However, it should be noted that the extension would still sit approximately 6 metres from the back edge of the footpath serving Huddersfield Road and is a relatively modest addition to the building when viewed as a whole.

It should also be noted that the Post Office and Dentists to the west of the site have both had front extensions, albeit with a slightly smaller projection. Then there is the case of the adjacent 77 Huddersfield Road which received planning permission for a larger front extension (2021/0070) than that proposed in this application.

The proposed extension would simply move the shop front of the existing building forward 4 metres and reflect the design of the existing shopfront. The elevations of the extension would be matching brickwork to the existing building.

Furthermore, views of the extension would be partially obscured while traveling East on Huddersfield Road by the front extensions of neighbouring properties. While travelling West on Huddersfield Road views would be obscured by the mature trees and planting within Wilthorpe Park. When viewing the extension from the front of the site, it would be seen against the backdrop of the existing buildings and existing front extensions. 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.

## Residential Amenity and Impact on Adjacent Salon

The proposed extension would be to the front of the existing unit. The extension would not be immediately adjacent to habitable room windows associated with residential properties therefore in regard to purely residential properties there is no impact to amenity; however, it would be immediately adjacent to the adjoining single storey hair salon which has no residential accommodation above.

It would sit to the east and not to the south where overshadowing and loss of light could be increased or be an overbearing feature given the adjacent already approved extension. It is noted the two adjacent buildings next to the salon being extended to the front is harmful for the visibility of the frontage of the salon and how this could potentially impact upon the business which weighs moderately against the proposal. However, the proposed extension would not stop the salon trading, and the salon has large windows to the front.

Furthermore, given the previously approved extension a precedent has been set which also matches the wider street scene for this type of extension which weighs moderately in favour of the proposal. Regarding the proposed materials it would not be possible for a functioning shop extension to be built in glass like the adjacent takeaway due to the storage of items and being able to put up shelving. Each application has to be judged on its own merits to which on balance any harm is not deemed to be significantly detrimental.

The unit sits within a parade of commercial uses and is not deemed to have a detrimental effect on the character of the area. The proposed extension would not significantly increase noise and disturbance beyond previous levels and the LPA's Pollution Control team have raised no objections. This weighs moderately in favour of the proposal. The proposal is considered to be in compliance with Local Plan Policy GD1: General Development and is acceptable in terms of residential amenity.

### Highway Safety

The unit is located on Huddersfield Road in an area already established with a number of retail units. Whilst these units have parking to the front served from an extended dropped vehicular crossing, there is sheltered, on street parking to the front and opposite the units. Furthermore, a non-adjoining unit has also extended to the front in a similar fashion as to the proposal under this application.

Whilst there are no concerns regarding the proposed extension to the front of the shop, it is noted that a disabled parking space was initially proposed. In providing a dedicated disabled bay as initially proposed, there is the potential for visibility to be obscured by on street parking for vehicles attempting to exit on to Huddersfield Road. Given that parking to the front is existing, other than an advisory I-bar, it would not be possible to protect access to this initially proposed space and given that there is ample on street parking directly to the front of the building, it would be preferable from a highways safety standpoint that the parking remains informal as it is now.

As such the parking layout has been amended to remove the disabled parking space. Therefore, the proposal is acceptable from a Highways perspective. This weighs significantly in favour of the proposal.

### Conclusion

Whilst objections have been received in respect to the proposal, the front extension is relatively modest and it is deemed that the proposed extension is akin to existing extensions in the locality, and as such will not be significantly harmful to residential and visual amenity. As such, a refusal is unlikely to be supported at appeal.

Having balanced all material planning considerations, 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**