
2022/0824

Applicant: Mr Andy Taylor

Subdivision of existing terraced dwellings into 2 x no. 1 bedroom apartments

53 James Street, Worsbrough Dale, Barnsley, S70 4SL

Site Description

The application site is in relation to a stone built mid terrace residential property located on James Street in Worsbrough Dale. The dwelling is slightly raised from the road, slightly set back (by 1.5m) and a low height stone wall along the frontage. To the rear is a small garden area with steps leading up to a shared access which is situated between the rear gardens of James Street and neighbouring Grove Street.

The site is located in the Urban Fabric and is entirely residential with James Street largely characterised by stone built terraced properties with no off-street parking.

Front and rear elevations:



Street scene:

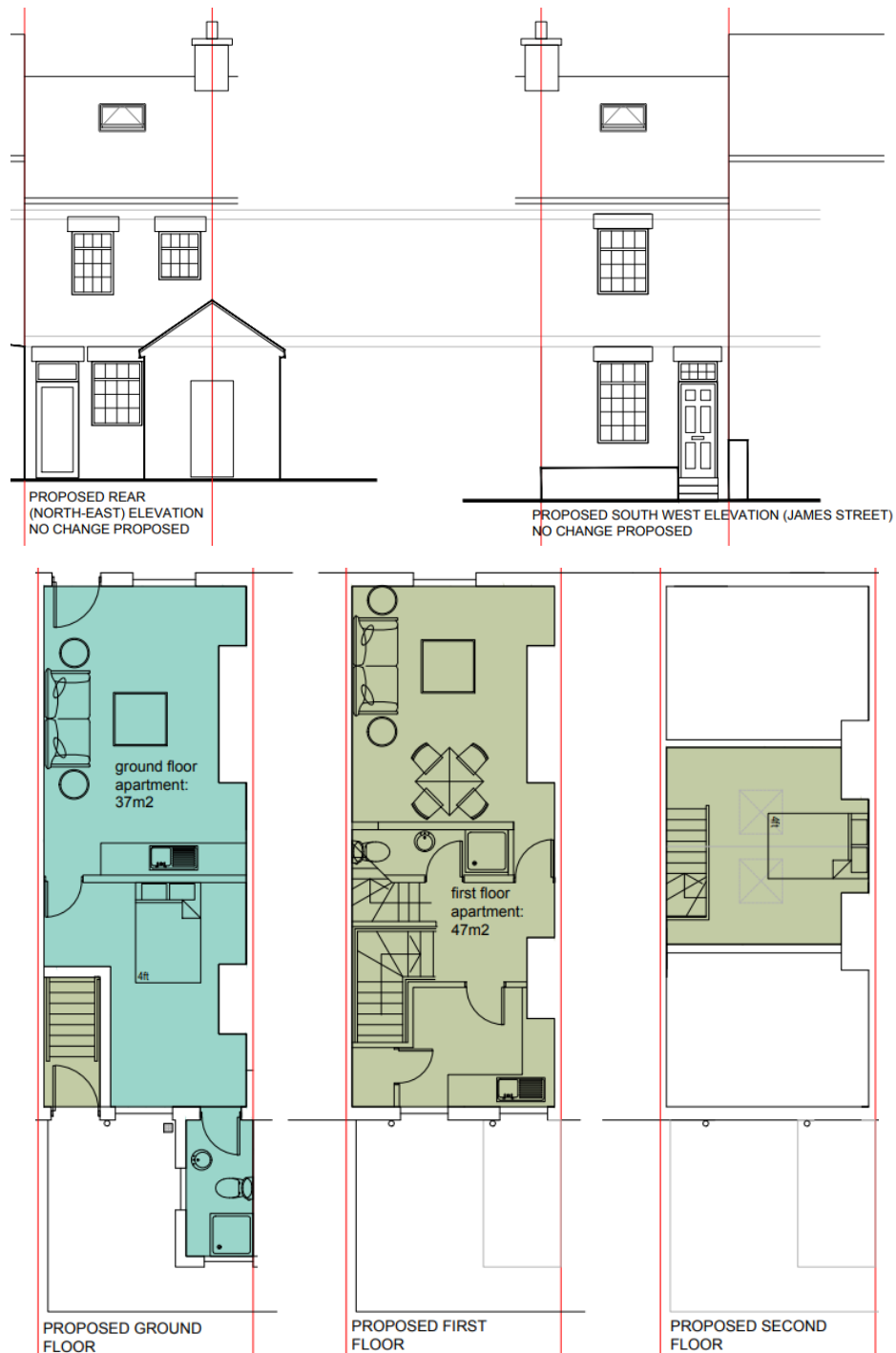


Relevant Site History

None

Proposed Development

The applicant is seeking approval to sub-divide the dwelling into 2 x one-bedroomed flats. One of the flats is situated entirely on the ground floor with access from James Street (the front) and the other being situated on the first floor and the loft, accessed from the rear through the courtyard area.



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.

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. Proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

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

Highways DC – It is noted that the applicant seeks to convert a terraced property into 2 x 1 bedroomed apartments. The proposal does not include allocated parking for the units and whilst I am mindful that occupants of the existing dwelling will evidently rely on on-street parking provision, there are concerns over the intensification of demand on the parking availability within the area. It is further noted from street view images, that there are unofficial no parking signs erected, presumably from residents trying to deter use, and as such, an objection to the application due to the lack of available parking and detrimental impact on the existing on-street parking provision which is evidently in high demand.

Ward Councillors – No comments.

Representations

Neighbour consultation letters were sent to neighbouring residents with a site notice placed nearby; no comments were received.

Assessment

Principle of development

The site is located in the Urban Fabric with residential being the long-established use of the area. The proposed development is to sub-divide the existing residential dwelling into 2 x residential units, which does not change the use of the building. Local Plan Policy H4 states that 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 in the Plan.

The above being said, assessment against Local Plan Policy H6 is also necessary which requires the Local Planning Authority to take a judgement as to whether the proposal will contribute successfully to achieving an appropriate mix of homes to meet local needs. The BMBC SHMA 2021, through a 2020 housing survey, outlines that the least desirable dwelling type expected in the borough is 1-bedroomed flats with 2.4% expected with the current stock being 3.6%. As such, it is clear that the current stock of the proposed units is already out delivering for what is the least desirable dwelling type. It is therefore considered that there is weak justification for what is a poor and unnecessary form of sub-division and in this sense, the proposed development is contrary to Local Plan Policy H6 and is considered to be unacceptable in principle. No evidence has been submitted by the agent in the Planning Statement or other information which indicates that the SHMA has been acknowledged or referenced and that the development is in response to meeting the existing and future housing need in the community.

Residential amenity

The existing property is a fairly small early 20th Century dwelling which can be described as somewhat outdated living accommodation by modern standards – in terms of its size, accessibility and private amenity space. The proposal to sub-divide the building into 2 small residential units with the ground floor measuring 37sqm and the first-floor apartment measuring 47sqm. The first-floor unit meets local internal spacing standards in the South Yorkshire Residential Design Guide (SYRGD) which is a minimum of 46sqm for a 1-bedroomed, 1-person flat but the ground floor unit falls significantly short of this.

Notwithstanding the small and inappropriate nature of the ground floor flat outlined above, there are other significant concerns raised with the development in terms of residential amenity. Specifically, regarding the living conditions of the future residents.

Firstly, the existing rear garden space (31sqm) serving the existing dwelling is very small by modern standards falling well short of modern standards which requires a minimum of 50sqm rear garden (or private amenity) space for 1-3 bedroomed properties. This area is not being extend in anyway through the development and the plans provided are unclear as to who the rear garden will be used for, i.e., whether it will be used solely for unit 2 (given the access to this unit is through the garden area), or whether it is to be shared between the two units. In either case, the proposed development does not comply with the Council's SPD for Designing New Housing Development which states that as a minimum there should be 50sqm of shared private space for flats plus an additional 10sqm per unit as balcony space or added to the shared private space. Given two units are proposed, at least 60sqm of shared private space should therefore be retained/created for the development.

Secondly, it is considered that the nature of accessing the first-floor flat is inappropriate given the circumstances/relationship on the site. Notwithstanding the shortfall raised above in the area of the proposed private amenity space, the future tenants of the first-floor flat are required to use the rear garden area (which should be shared private space) as the sole access into the proposed flat. The sole habitable room window serving the bedroom of the ground floor flat faces onto the shared private space, as well as a bathroom window which facing onto this area. As such, it is not considered that this area meets the criteria for suitable private amenity space to be used by either property.

The SPD states that full compliance with standards is expected in predominantly residential areas whereas they may be slightly relaxed in town centre situations/higher density areas. This is dependent on whether there is adequate outdoor green space nearby – such as parks. No such justification has been brought forward by the agent in regard to this and the site is not located within the Town Centre or any of the District Centres to be able to offer a relaxation of the standards.

An approval of the proposed development would set an unwanted precedent for further inappropriate development in the area, further degrading the living conditions of both the existing and future residents.

The proposed development is therefore contrary to the Council's SPD for New Housing Development in that it does not provide adequate internal living space for the ground floor flat and a lack shared private amenity space for both units, alongside the access into the first-floor flat being deemed to be inappropriate. It is also contrary to Local Plan Policy GD1 which seeks to protect the living conditions of future residents. The proposed development is unacceptable in terms of residential amenity.

Highways Safety

The proposed development does not comply with Local Parking standards, specifically the Council's SPD for Parking which requires at least one parking space per unit. The existing dwelling contains 2 bedrooms (which requires 1 parking space) and the intensification of the building is considered to be wholly inappropriate given the lack of parking space within the area. Colleagues in Highways have been consulted on the proposal who have raised significant concerns given that the development does not include allocated parking for the units and will intensify the demand for parking viability within the area. There are also unofficial signs within the area indicating no parking presumably made by the residents trying to deter use (as shown in the screenshot below). Additionally, there is no defined space for parking storage and no information in the planning statement which provides justification or evidence that the area is well served by public transport links which would offset the parking shortfall. The proposed development is therefore contrary to Local Plan Policy T4 and the Council's SPD for Parking and is unacceptable in terms of highway safety.



Sustainable Travel

The Council has adopted its Sustainable Travel SPD which requires all new residential developments/units to include one Electric Vehicle Charging Point. The character of James Street is terraced properties with unallocated parking, and it is considered unsuitable to either property to host an EVCP. Therefore, there is conflict with the Council's Sustainable Travel SPD and Local Plan Policy T3: New Development and Sustainable Travel.

Visual Amenity:

There are no external changes being made to the building and the proposed development is therefore acceptable in terms of visual amenity.

Conclusion

The proposed development seeks to sub-divide the existing residential building into 2 flats, one of which is situated entirely on the ground floor with the other set on the first floor and loft area. The two flats have separate accesses – one using the existing front access and the other using the existing rear access leading to a created staircase. The Local Planning Authority has assessed the proposal and recommended refusal for the following reasons:

1. The proposed development not contributing successfully to housing mix – The proposed development is contrary to Local Plan Policy H6 which seeks for new housing developments to help create mixed and balanced communities. The Council's most recent Strategic Housing Market Assessment (SHMA) 2021 has outlined, through a 2020 Housing Survey, that 1-bedroomed flats are the least desirable form of dwelling type in the borough with the current stock (3.6%) exceeding the expectation (2.4%) raised in the SHMA Housing Survey. The agent has not provided any information or evidence which indicates that the Borough's housing needs have acknowledged or formed the basis of the proposed development and that it meets the current or future housing needs of the community. The proposed development therefore does not appropriately successfully contribute to or support the borough's current or future housing needs and is considered to be inappropriate development.
2. Inadequate living conditions for future residents – The proposed internal floor space for the ground floor flat falls short of the minimum internal spacing standards expected for a 1-bedroomed, 1-person dwelling in the South Yorkshire Residential Design Guide and the proposed development makes use of the existing rear garden area which is very small by modern standards (31sqm) which falls well short of the expected minimum standards for shared private space for two flats, which is 60sqm. Additionally, the rear garden area is not private and with the sole access for the first floor through the rear garden area with the ground floor flat containing windows (one of which is habitable) facing directly onto the rear garden space. The proposed arrangement is contrary to the

SPD for New Housing Development, The South Yorkshire Residential Design Guide and Local Plan Policy GD1 in that it does not provide sufficient living space for future residents of the ground floor flat and does provide sufficient shared private space for either property.

3. Impact on Highways safety/parking provision – James Street is characterised by unallocated street parking and there is no space within the site to host parking spaces for either of the proposed units which is contrary to the Council's Parking SPD and Local Plan Policy T4: New Development and Highway Safety and will lead to an over intensification in the parking demand within the area, and further impact the shortfall in parking provision. Additionally, the development is contrary to the Sustainable Travel SPD and Local Plan Policy T3 in that it does not contain any Electric Vehicle Charging Points (EVCP) with the installation of such on James Street, with unallocated parking, unfeasible. This is contrary to the Sustainable Travel SPD which requires one EVCP per new residential unit.

Recommendation

Refuse