
2022/0625

Mr D Sykes

Erection of detached double garage (Amended Description)

1 Hunters Cottage, Pogmoor Lane, Pogmoor, Barnsley, S75 2JS

Site Location & Description

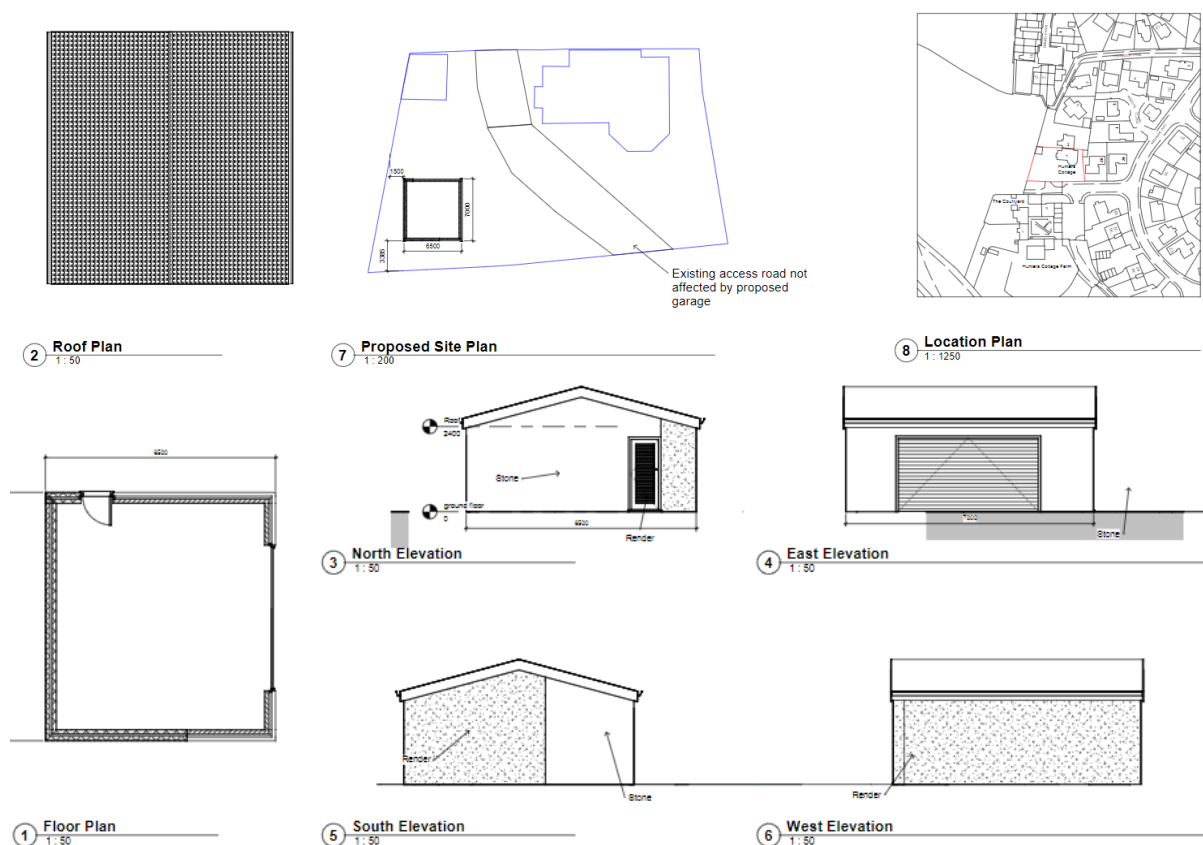
The applicant's property is a semi-detached stone-built dwelling that borders Mixed Use Site MU1 to the west with the remainder of the surrounding area being characterised by residential dwellings and their curtilages. The dwelling benefits from a large curtilage which stretches across the front and side of the dwelling and is separated from the highway by a mixed stone pillar and railing boundary treatment with a high hedge set further west. The dwelling itself is stone built with render detailing with a pitched roof that matches the existing garage outbuilding situated in the northwest of the site. A new driveway has been installed that progresses from the centre of the southern boundary to the front of the existing outbuilding. The dwelling has been extended in the past which is reflected in the planning history.





Proposed Development

The applicant is seeking approval for the erection of a single storey outbuilding situated between the principle (South) elevation of the dwelling and the highway, in the South-West corner of the site. The outbuilding has been reduced in size and measures 7m x 6.5m, with a pitched roof which measures 2.4m to the eaves and 3.5m to the roof ridge. The outbuilding will be constructed from a mixture of stone and render, with the entire frontage (East-facing) finished entirely in Stone, render on the rear (West-facing) elevation and a mix of stone and render on the side elevations. The access into the site and parking provision on site will remain unchanged.



Relevant Planning History

B/77/1904BA – Erection of extension to dwelling (Historic)

2008/0690 – Erection of one detached house and garage and alteration to access road (Refuse)

2008/1728 – Erection of stone piers 2m high with wrought iron fencing in between (Retrospective; Approved)

2009/0488 – Demolition of existing garage and erection of a double garage (Retrospective; Approved with Conditions)

2020/0697 – Erection of detached outbuilding including double garage to rear/side of dwelling (Refused; Appeal Dismissed)

Policy Context

Planning decision should be made in accordance with the local 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 Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

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, relevant policies include:

Section 12: Achieving well designed places - The Government attaches great importance to the design of the built environment. 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.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Within section 12, paragraph 130 is the most relevant which indicates 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.

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:

Policy SD1: Presumption in favour of Sustainable Development – sets out principles when considering development proposals.

Policy GD1: General Development – sets out appropriate proposals for development.

Policy D1: High quality design and place making – sets overarching design principles for the borough to ensure that development is appropriate to its context, and improves what needs improving, whilst protecting what is good about what we have.

Policy T4: New Development and Highway Improvement - 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.

SPD: House extensions and Other Domestic Alterations

Supplementary Planning Document - House Extensions sets out the design principles that specifically apply to the consideration of planning applications for house extensions, roof alterations, outbuildings & other domestic alterations. The general principles are that proposals for 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.

These policies 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.

Consultations

None

Representations

Neighbour notification letters were sent to neighbouring properties on two occasions, once for the original proposal (July 2022) and once for the amended proposal (October 2022).

Original proposal:

Three comments were received, objecting to the proposal raising the following concerns:

1. Future Use of the Outbuilding – The site already has a double garage, and it is unclear as to why a second one is required. This causes concern as to the future use of the outbuilding and site. Particular concern is raised as to whether the site will be developed for a two-storey dwelling which would have an impact on the residential amenity enjoyed by neighbouring residents.
2. Visual Amenity - There are concerns that the outbuilding will be used to support a commercial use/business, with the remainder of the site being used to store building material and equipment. This will have a detrimental impact on the visual amenity of the area.
3. Impact on access – there is an access road to the South of the dwelling where the garage is proposed. Access to the property could potentially lead to traffic and obstructions on the neighbouring property. The access has been changed in the past which makes the potential to construct a new dwelling more likely in the future.
4. Impact on Residential amenity – The proposed positioning of the garage will be directly behind the shared hedgerow border, and should the outbuilding be higher than the hedge, it will result in overshadowing and loss of light to the neighbouring property.
5. Planning History – The application appears to be a duplicate of the previous decision (July 2020) which was subsequently dismissed at appeal. The garage has been increased in size since this time and the issues raised during this decision and appeal decision are still pertinent. There are also concerns raised with the fact that previous decisions/conditions will be disregarded/exceeded, and this will happen in the future should permission be granted.
6. Impact on Existing Larger Dwelling – Local Plan Policy H9 is relevant which restricts development in the curtilage of existing larger dwellings where it will have an adverse impact on the setting of the original dwelling, and the remaining garden area.

Amended proposal:

Two comments were received from the same resident raising the following points:

1. The previous objection to the original application still stands even though the amended proposed structure is smaller than the original development.
2. Should the development be granted permission, it is only a matter of time before another application is made to extend the building, perhaps into a house.
3. Clarification that Local Plan Policy H9 is relevant rather than H10 which was incorrectly referenced during the previous objections.

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

Concerns have been raised by neighbouring properties for various reasons. However, the primary concern raised is in relation to the future use of the proposed outbuilding and the wider site for either independent residential development or commercial uses. There is particular concern that the outbuilding will be converted in the future, or an approval will provide a principle of further residential development such as a separate dwelling. These concerns can be understood, especially given the planning history and original proposed size of the outbuilding, 7m x 10m, which is larger than a typical domestic double garage. However, the amended scheme has been significantly scaled back measuring 7m x 6.5m. This brings it in line with the typical standard size for domestic double garages within the Borough which require an individual internal parking space to be a minimum of 6m x 3m. Future conversion into an annex or separate dwelling would require planning permission and a planning condition will be added to any forthcoming decision notice which restricts the use of the outbuilding for domestic ancillary use only and not for commercial purposes.

It is appreciated that the applicant already has a garage on site, however this is limited in size, somewhat rectangular in shape measuring 5.15m x 5.15m, which is not large enough for a parking space by modern standards. The resultant floorspace for both outbuildings are fairly large for domestic purposes, but these are separate features on site and are not related to one another. It is felt that the proposed outbuilding has been suitably reduced to a size and scale for what is considered to be appropriate and subject to appropriate conditions to reduce its impact on the neighbouring area, is acceptable.

A neighbouring resident has also referenced Local Plan Policy H9 when objecting to the proposed development. This policy seeks to protect the setting existing larger dwellings (4+ bedrooms) from substantial development in the curtilage. No plans have been submitted for the existing dwelling as to whether it is an existing large dwelling, however the proposed garage is not considered to adversely impact the setting of the dwelling due to its size and separation distance, and screening from the road.

The proposed garage is situated in the South-West Corner of the site, with a tall (c. 4m high) hedgerow running along part of the South boundary line, largely screening the garage from view from the surrounding public area/neighbouring properties. Additionally, there is an access road to the immediate South of the Southern boundary line between the site and the neighbouring properties to the South (located at The Courtyard). There is a separation distance of c.18m between the side elevation of the garage and the nearest properties addressed as the Courtyard, and as stated above, there is no direct view from these properties onto the garage. Additionally, the outbuilding is situated to the North of these properties which will significantly reduce the overshadowing impact. The height

is also restrained at a maximum of 3.5m to the roof ridge. The front elevation of the outbuilding faces onto the front garden area of the neighbouring property to the East (no. 26 Midhope Way) with a significant separation distance of c. 28m. There are no habitable room windows on the outbuilding and the impact on no. 26 is very limited.

To conclude, there is very little overshadowing, overbearing or privacy impact from the proposed garage onto the residents living at the Courtyard or neighbours on Midhope Way due to the significant separation distance to all properties and the restrained size and scale of the amended building. The proposed development is considered to be in compliance with Local Plan Policy GD1 and the SPD for House Extensions and is acceptable in terms of residential amenity, subject to appropriate conditions restricting the future use of the building and site.

Visual Amenity

The proposed development has been scaled back with the footprint of the garage being reduced from 60sqm to 45.5sqm. This was largely due to the fact that the original outbuilding was considered to exceed what is usually expected for domestic purposes and did not comply with the SPD for House Extensions which requires outbuildings to be of a size a scale which is sympathetic to the host dwelling. Additionally, there was conflict with the previous refused application which had a garage of similar shape and size.

The garage is located in the very South-West corner of the site, immediately adjacent to a tall (c. 4m high) hedgerow which will largely screen the garage from public view. The footprint size of the outbuilding has been reduced and the height of the outbuilding has also been reduced to 2.4m to the eaves and 3.5m to the roof ridge. This is in line with the SPD which requires outbuilding to be a maximum of 2.5m to the eaves and be of a sympathetic size to the host dwelling. The host dwelling is two storey and clearly the garage's height is of a sympathetic size. There is an existing garage on the site, but this is smaller than the proposed garage with a 6.5m separation and will appear as two separate buildings on site, rather than related aspects of the dwelling. Together, the garages do not conflict with the SPD in terms of being sympathetically sized to the host dwelling, or forming an overly intrusive impact within the street scene.

The outbuilding will be constructed from a mix of stone and render, which matches the existing dwelling with the front elevation constructed entirely from Stone. The second most visible elevation is the Northern-facing side elevation which will be constructed largely from stone with a small render section. The rear elevation and the majority of the Southern side elevation will be rendered but as stated, there is render on the host dwelling and these elevations are almost entirely screened from view. These construction materials are therefore considered to be appropriate.

The proposed development is in compliance with Local Plan Policy D1 and the SPD for House Extensions and is considered to be acceptable in terms of visual amenity.

Highways Safety

Comments have been raised from existing residents raising concerns with the proposed impact on highways safety and access. The development does not seek to change the existing access into the site or parking provision and there is clearly space retained within the site for the parking for at least two vehicles, which is in line with the Council's Parking SPD. The internal size of the garages meets local spacing standards which requires an internal parking space to measure 6m x 3m. The proposed development is therefore considered to meet the requirements of local parking policy and is not of a scale to lead to significant pressure on the local highway network. The proposed development is therefore acceptable in terms of highways safety.

Conclusion

The application follows on from a previous refusal (2020/0697) and subsequent appeal decision (APP/R4408/D/21/3266868) for a proposed garage which was similar in size to the originally submitted development during this application. As such, similar concerns were raised for the same reasons and the garage was significantly scaled back in size. The amended plans show a garage which measures 7m x 6.5m (45.5sqm) which brings the outbuilding in line with what is typically

expected for a double garage given that an internal parking space should be a minimum of 6m x 3m. Concerns have been raised from residents regarding the future use of the outbuilding as this can be understood given the history. However, the amended dimensions do not exceed what is expected for a double garage. Further, the garage is limited in height with a height to the eaves of 2.4m and 3.5m to the roof ridge. All of these dimensions are within the restrictions of the Council's SPD for House Extensions and Other Domestic Alterations which set a limitation of height, and the proposed scale is not considered to be large enough or of an appearance to warrant genuine concern regarding its future use. In any case, a planning condition will be attached to ensure that the garage will be used for ancillary purposes only and not for living accommodation, commercial uses or as a separate dwelling. These uses would also require separate planning permission.

The impact on neighbouring properties is significantly reduced due to the reduced scale, size and its position in the South-Western corner of the site, immediately adjacent to a high hedgerow. The nearest residential properties are at a significant separation distance from the garage and the garage will not have a detrimental impact on the residential amenity enjoyed by neighbouring residents. The access and parking provision on site will be unchanged and there is sufficient space for the parking of at least 2 vehicles in the site, which is in line with the Council's SPD for Parking and is acceptable in terms of highways safety.

The amended development is in compliance with relevant Local Plan Policies, the Council's SPD for House Extensions and the Parking SPD and is recommended for approval.

Recommendation

Approve with Conditions