
2021/0554

Applicant: Mr Steve Clark

Description: Conversion of building into 3no flats (1no. 2 bed on the ground floor and 2no. 1 beds on the first floor/roof space) including first floor extension to rear.

Site Address: 139 Doncaster Road, Barnsley, S70 1UF

Site Location and Description

The application relates to a two storey, stone fronted semi-detached property. Although the property is two stories it does also have a cellar and rooms in the roof space. There is also 2 storey and single storey projections to the rear. The property is currently vacant and has recently undergone a scheme of refurbishment. Its previous use was as an A1 (now class E) retail store.

To the front of the property is a forecourt area, accessed via steps from the pavement serving Doncaster Road. To the rear of the building is a yard/garden area.

There is a vacant bathroom showroom, a bride dress shop and a boxing club close to the site but the area is predominantly residential in nature.



Planning History

2020/1305 - Change of use to 6-person house of multiple occupation (Use Class C4) - Refused 18/12/2020

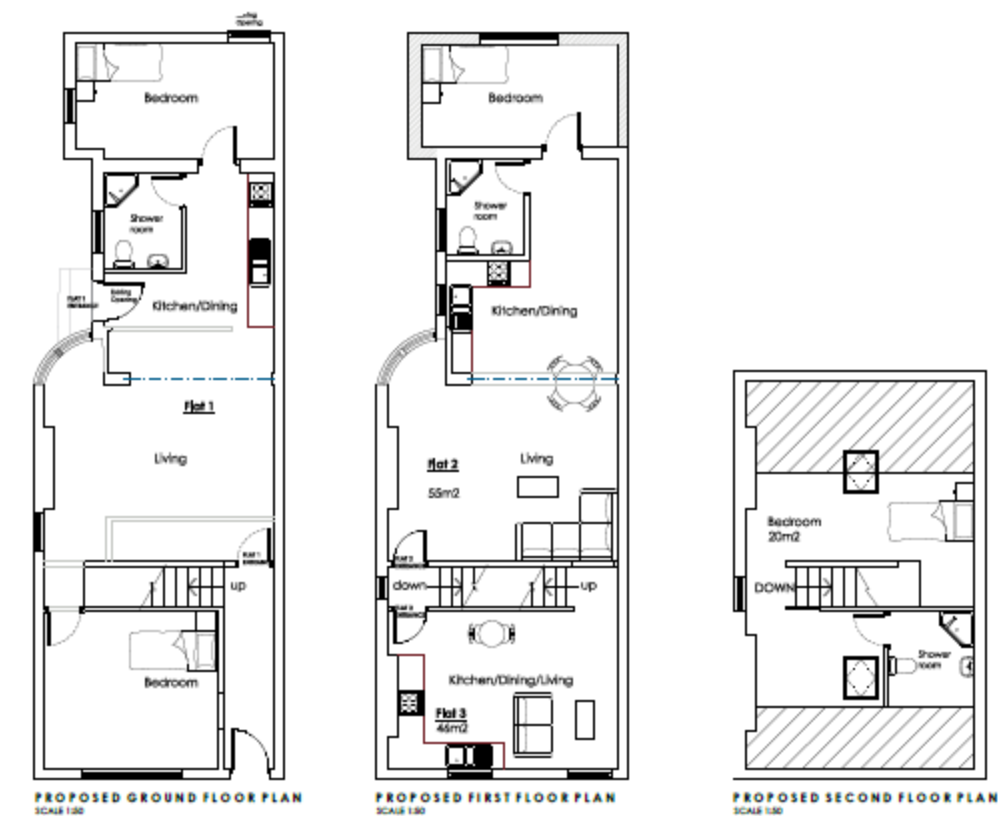
1. In the opinion of the Local Planning Authority the proposed House of Multiple Occupation (HMO) would make a further negative contribution to the concentration of HMO's and bedsits within the immediate area to the detriment of the areas character. Furthermore, given the substandard shared living spaces and external amenity space, plus the limited light levels and outlook from the majority of the rooms, the future residents would be subject to an inadequate standard of residential amenity. Therefore, the proposal is contrary to Local Plan policies GD1 'General Development', D1 'High Quality Design and Place Making', the 'Supplementary Planning document 'Designing New Housing Development' and the South Yorkshire Residential Design Guide.
2. In the opinion of the Local Planning Authority the proposal to change the use of the building to a House of Multiple Occupation is contrary to the aims of Local Plan Policy H9, which seeks the re-establishment of single-family sized houses. The application property has previously been a larger home, is within a predominantly residential area and is capable of becoming a larger home again without significant adaption.

3. The proposed development fails to provide sufficient and suitable car parking provision within the site, as recommended by SPD 'Parking' and SPD 'Design of Housing Development'. Consequently, the proposal would be likely to result in on-street car parking to the detriment of the safe and free flow of traffic on the highway and contrary to Local Plan Policy T4.

Proposed Development

Initially the application was for 4no. units including 2no. studios and 2 no. 1 bedroom flats, however, during the course of the application, and to comply with policy H6, the scheme has been amended.

The application now seeks permission for the change of use of the premises into 3no. apartment's including a 2-bedroom unit on the ground floor, a 1 bed unit on the first floor and a 1 bed duplex unit on the first/second floors. The residential accommodation will be set across the ground floor, first floor and roof space and involve a full change of use of the building from its previous retail use (Class E). A 1st floor extension is required to the existing single storey projection; this would result in the pitched roof running flush with that of the existing 2 storey projection. The accommodation would be provided by internal partitioning of the existing building. Two velux windows would be provided within the roof space along with a new first floor rear window within the gable of the extended roof.



Policy Context

The site is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy T3 New Development and Sustainable Travel

Policy T4 New development and Transport Safety

Policy SD1 Presumption in favour of Sustainable Development

Policy LG2 The Location of Growth

Policy GD1 General Development

Policy D1 High Quality Design and Place Making.

Policy Poll1 Pollution Control and Protection

Policy H6 Housing Mix and Efficient use of land

Policy H9 Protection of Existing Larger Dwellings

SPD's/PAN's

Those of relevance to this application are as follows:

- Design of Housing Development
- Parking

Other

South Yorkshire Residential Design Guide

NPPF

The NPPF 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.

Paragraphs of particular relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 91 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 109 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 124 - The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. 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.

Consultations

Highways – No comments

Housing Officer – Questioned waste storage and sound insulation

Reg Services – No objections

Ward Councillors – no comments

Representations

Consultation letters were sent to 20no. neighbouring properties. No letters of objection have been received.

Assessment

Principle of development

Local Plan policy H9 'Protection of Existing Larger Dwellings' states the loss of existing larger dwellings will be resisted. SPD 'Design of Housing Development' states that larger dwellings are those that have four or five bedrooms or are capable of accommodating four or five bedrooms without significant adaption.

It is acknowledged that the property was previously a retail premises, however, it is situated within a predominantly residential area and the existing layout suggests it was previously a family home and could be converted back to such without significant alteration, as such, policy H9 applies.

However, it should be noted that the building is currently subdivided and has residential accommodation on the first floor and, there is provision in the general Permitted Development Order for commercial uses to be converted into residential accommodation, subject to conditions and a Prior Notification Application. As such, a refusal based solely on Policy H9 could not be justified in this instance given the current, and potential future, situations.

Furthermore, the previous refusal related to a single, 6 person HMO, whereas this proposal creates 3no. separate dwellings which would make a modest, but positive, contribution to the boroughs new homes target in the Local Plan.

SPD 'Design of Housing Development' states that the conversion of buildings to flats can be acceptable in some circumstances subject to meeting the relevant criteria set out in section 26.1 of the SPD. It should also be noted that although the ground floor was previously in commercial use, the upper floors have always retained an element of residential use. Furthermore, the GPDO allows provision for retail uses to be converted into residential use, subject to a number of criteria and conditions.

Local Plan Policy H6 'Housing Mix and Efficient Use of Land' states that housing proposals will be expected to include a broad mix of house size, type and tenure to help create mix and balanced communities. This application is only for 3no. units but it includes a 2 bed unit, a 1 bed unit on one level and a duplex 1 bed unit over 2 levels, as such, it would meet the requirements of policy H6.

In any case, all new dwellings proposed 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 or prejudice the possible future development of a larger area of land.

Design / Visual Amenity

The only external alteration to the front of the building is the insertion of a rooflight in the front roof plain. To the rear there is a modest first floor extension proposed which increases the ridge height of an existing extension to match the height of a further existing extension. The alterations are in a non-prominent position and are of a scale and design which harmonise with the host building, in accordance with Local Plan Policy D1.

There is space to the rear of the property for waste/recycling storage which has a pedestrian access, as such, bins and containers would not need to be sored adjacent to the front elevation.

Residential Amenity

The building would be subdivided into a 1 bed flat and 2no. 1 bed flats, 1 of which is a duplex with accommodation over 2 floors. Each of the units would meet or exceed the overall floor space requirements set out in the South Yorkshire Residential Design Guide. It is noted the open plan living/dining/kitchen area of the duplex would fall short of the required 24m² room size by 3m², however, the bedroom is oversized, and the amenity of the future residents would not be significantly affected.

In terms of light and outlook, it is noted that some of the habitable room windows would be on the side elevation facing the neighbouring side elevation or boundary, however, these windows tend to form part of double aspect rooms and utilise the existing openings within the building, as such, residents would be afforded some level of outlook and have adequate light levels. All of the units have at least 1no. habitable room window either facing the rear amenity space or out over Doncaster Road.

In terms of external amenity, there is no private amenity space per individual unit but there is an enclosed garden area to the rear of the property which far exceeds the requirements of the SPD.

In terms of the amenity of the neighbouring residents, the only additional openings created would be on the front and rear roof slopes and at first floor level on the rear elevation. These windows would either face Doncaster Road or the rear garden area. The other habitable room windows utilise existing openings. The views from ground floor windows would be obscured by boundary treatments and the first-floor windows previously served residential accommodation, as such, privacy levels would be retained, in accordance with Local Plan Policy GD1.

As part of the application a rear extension is proposed to provide first floor accommodation in an existing single storey projection. The extension would project beyond the neighbouring rear elevations and would be positioned to the South. However, the ridge of the extension would only increase by circa 1.4m and the roof would slope away from the shared boundaries. It would also mirror the height of an existing 2 storey rear projection. As such, the addition would not be an overbearing feature or increase overshadowing to an unreasonable degree, in accordance with Local Plan Policy GD1.

It is noted that subdividing the property into 3 could potentially increase noise and disturbance through residential and vehicular activity. However, given the building previously accommodated a commercial use as well as residential use it is unlikely to be significant enough to warrant a refusal in this case.

Highways Safety

No off-street parking spaces are proposed which is contrary to SPD's 'Parking' and 'Design of Housing Development' which require 1 space per unit. The previous application for a HMO was also partially refused due to the lack of off-street parking.

However, consideration has to be given to the sustainable location of the site on the edge of Barnsley Town centre and the good access to regular public transport, as well as a number of facilities within walking distance of the site. Furthermore, the building previously accommodated a commercial use at ground floor and a residential use above, which arguably could have generated more vehicle trips and demand for parking than the current proposal.

There are also waiting restrictions to the front of the property which would limit on street parking throughout the day. In addition, the applicant has proposed secure cycle storage to the rear of the property which would encourage sustainable travel methods.

The SPD under 'Conversions of building to residential accommodation' states that conversions of buildings to flats will be allowed where satisfactory provision is made for off-street parking OR the development is considered unlikely to give rise to unacceptable conditions of congestion or safety on the adjoining public highway.

On balance, while not ideal, given the sustainable location of the site, the previous and proposed uses as well as the provision of secure cycle storage, a refusal on the lack of parking alone could not be justified in this instance.

Conclusions

Despite the previous refusal on the site, the current proposal for 3no. residential units meets the criteria for the subdivision of properties set out in SPD 'Design of Housing Development, namely the scheme;

- Meets the internal spacing standards set out in the South Yorkshire Residential Design Guide
- There would be no unacceptable noise nuisance for either existing neighbouring residents or occupants of the proposed units
- The development is unlikely to give rise to unacceptable conditions of congestion or safety on the adjoining public highway
- The appearance of the building and its curtilage would not be altered to the detriment of the visual amenities of the area.
- The property is located in a predominately residential area and so the conversion of the building into fully residential use is acceptable in principle as it is compatible with the surrounding area. In addition, positive assessment weight is afforded to the provision of 3no residential units as a means of contributing to the new homes target in the Local Plan.
- The accommodation mix is varied in accordance with the requirements of Local Plan policy H6.
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Recommendation: Approve subject to conditions;

1. *The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.*
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
2. *The development hereby approved shall be carried out strictly in accordance with the plans (Nos 20-205-01-B) and specifications as approved unless required by any other conditions in this permission.*
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
3. *The external materials shall match those used in the existing building.*
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
4. *Upon commencement of development details of measures to facilitate the provision of high speed full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.*
Reason: In order to ensure compliance with Local Plan Policy I1.
5. *Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.*
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
6. *Upon commencement of development, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local*

Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.

- 7. All in curtilage planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following first occupation ; and any trees or plants which die within a period of 5 years from first being planted, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.*

Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policies GD1 'General Development' and D1 'High Quality Design and Place Making'.

- 8. The approved cycle storage shown on drawing 20-205-01B shall be implemented prior to the first occupation of the development and retained as such thereafter.*

Reason: In the interests of the sustainability and Highway Safety in accordance with Local Plan Policy T4 and SPD 'Sustainable Travel'.