

2022/1129

Applicant: Mrs Nicola Leishman

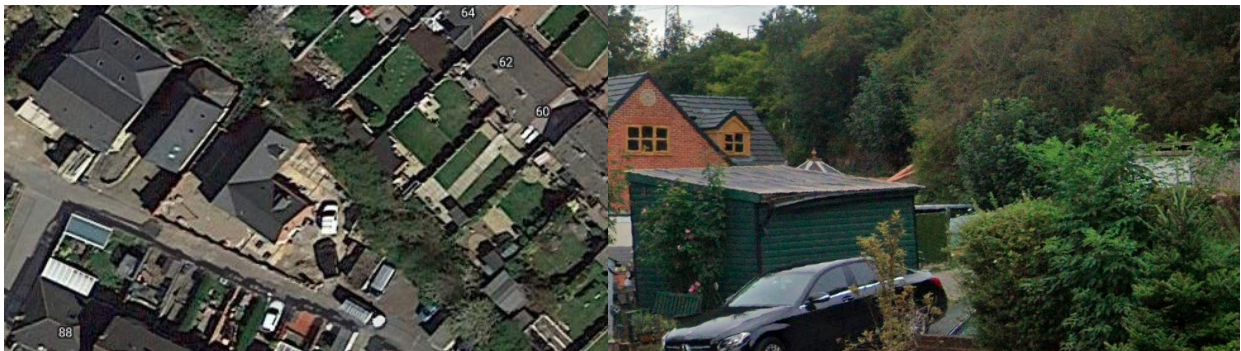
Description: Erection of 1no dormer bungalow and associated works

Site Address: Land adjacent 86C Burton Road, Barnsley, S71 2AA

Site Location and Description

The application relates to an area of land located to the rear of terraced properties fronting Burton Road. The site measures approximately 160m² and is relatively rectangular in shape. It currently accommodates a garage and hardstanding to the front and vegetated banking to the rear. The rear boundary on top of the bank is circa 5m higher than the front boundary. The site is accessed via an access road to the rear of the terraced dwellings and links to Burton Road at 2 points.

There is a recently constructed detached, 'L' shaped dormer bungalow directly to the West of the site which is owned by the applicants. There are also further dwellings to the West of the site which front onto the access road. To the South of the site, beyond the access road, are the rear gardens and rear elevations of the terraced dwellings fronting Burton Road. To the north of the site beyond the vegetated bank and at a considerably higher level are residential properties on Shelley Drive. To the East of the site is a small area of land containing a detached garage.



Site History

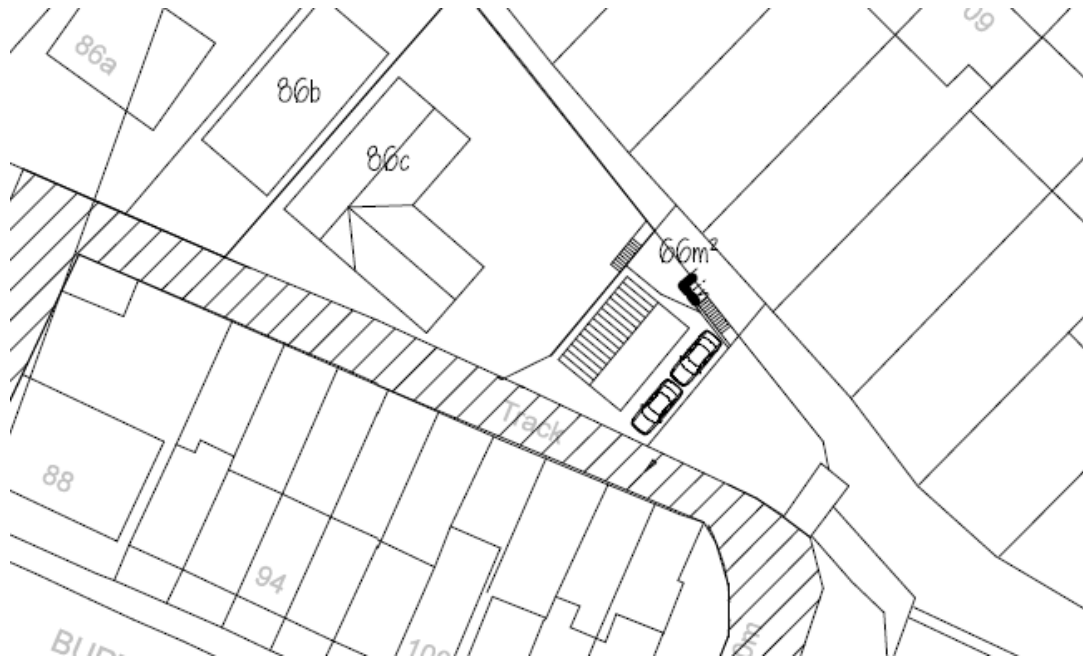
2018/0138 (adjacent plot) - Erection of 1 no. detached dormer bungalow with provision of integral garage – approved subject to conditions



Proposed Development

The applicants seek permission to erect a detached, 2 bedroom dormer bungalow. The building would accommodate an open plan kitchen/dining/living room, bedroom and bathroom on the ground floor and an en-suite bedroom and store on the first floor. 2no parking spaces are proposed to the East of the dwelling and a tiered garden to the rear.

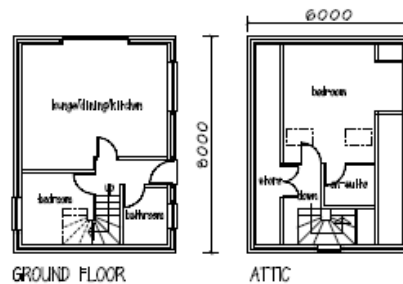
Site Plan



Elevations



Floor Plans



Policy Context

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.

The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

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

Policy H1 The Number of New Homes to be Built

Policy H4 'Residential Development on small non-allocated sites'

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 BIO1 Biodiversity and Geodiversity

Policy CC2 Sustainable Design and Construction

Policy I2 Educational and Community Facilities

SPD's

Those of relevance to this application are as follows:

- Designing New Residential Development
- Parking
- Sustainable Travel

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

Para 111 - 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 126 - The creation of highquality 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.

Para 130 – sets out the requirements for development in terms of layout and design.

Consultations

Highways – No objections subject to amended plans

Drainage – Building Control to check

SYMAS – No objections subject to condition

Coal Authority – objects due to the mining report relating to a neighbouring site

Ward Councillors – No comments

Representations

25no. letters were sent out to neighbouring properties and a site notice was erected within the immediate area. 1 no. objection letter has been received. The main points of concern are;

- Impact on ground stability
- Impact on a public right of way

Assessment

Principle of Development

The site is located within Urban Barnsley. The significance of the site being located in Urban Barnsley is that it is a priority location to accommodate growth and new residential development in spatial and sustainable development terms making it compliant with policies LG2 and H2.

The site is allocated as Urban Fabric within the Local Plan. Local Plan policy H4 'Residential Development on small non-allocated sites' states 'proposals for residential development on sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies within

the plan. It is noted the site is within a backland location where the assessment criteria are stricter than forms of infill development. Long, narrow private drives (typically in excess of 30m), which would result in excessive 'man carry distances' should be avoided.

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 site is located in a back water position to the rear of the terraced properties which front Burton Road, however, it is noted that the site fronts an access track and there are other detached dwellings immediately to the East of the site, including a recently constructed detached dormer bungalow owned by the applicants, as such, there is a degree of precedence for residential development in this location.

However, the neighbouring properties are on larger pieces of land with larger foot prints and larger gardens than the dwelling subject to this application. The application is at the smaller end of a wedge shaped piece of land with the neighbouring site increasing getting larger to the East. As a result of this the proposed dwelling is located within close proximity to all 4 boundaries and would appear cramped, contrary to the development pattern of the area. The plans show there would be 66m² of garden area to the rear of the dwelling but what they do not show is that the garden would be on 2 contrasting levels separated by a large retaining wall given the slope of the banking to the rear of the site.

The design of the dwelling in part is dictated to by the size of the site and the proximity of the neighbouring properties. To avoid overlooking of the terraced dwellings to the South, the elevation facing the access road is predominantly blank with 1 small window at first floor level. As such the dwelling turns its back on the streetscene and offers little in terms of interaction or visual amenity.

The dwelling also has relatively high eaves with blank brick work above the window headers and below the eaves. This, combined with the roof pitch and dormers, gives a top heavy appearance and is in contrast with the neighbouring dormer bungalow which has its eaves closer to its window headers.

Given the proximity of the dwelling to the access road, the narrow width of the plot and the position of the driveway there is limited opportunity for a front garden and soft landscaping. As such, the dwelling would be visually dominant on the access road and have a negative impact on the visual amenity of the streetscene, contrary to Local Plan Policy D1.

It is noted that the dwelling would be viewed against the banking to the rear but limited details have been submitted regarding the retaining structure required or the landscaping of the bank. As such, the loss of the existing mature planting could further exacerbate the negative impact on the visual amenity.

Residential Amenity

The general position, orientation and scale of the dwelling, in association with the separation distance to neighbouring properties would mean it does not significantly increase overshadowing or be an overbearing feature.

The proposed dwelling falls short of 10m from the gardens of the terraced dwellings to the South and also below 21m from their rear elevations, however, there are no habitable windows proposed on the Southern elevation and the first floor window can be conditioned to be obscure glazed.

There is a bedroom window on the Western elevation facing the applicants dormer bungalow but views could be restricted by boundary treatments. There is also a rooflight on the Western roof plane less than 10m from the shared boundary but this could be obscure glazed and non-opening as it serves a dual aspect room.

The rear elevation windows would be significantly lower than the gardens and rear elevations of the dwellings to the North on Shelly Drive and the Eastern elevation windows face the driveway and a neighbouring garage site, however, it would be a concern that the applicant would have no control over the views and outlook across the neighbouring site.

Although the proposed dwelling would not have a significant impact on the residential amenity of the neighbouring residents, there is significant concern for the residential amenity of the future residents of the dwelling itself. The window serving the downstairs bedroom would be close to the boundary and, given the proximity of the neighbouring dwelling, there would need to be a 1.8m high boundary treatment between the two sites. As such, outlook and light levels from this window would be significantly limited.

The main opening serving the open plan living area would face the garden area, however, it would be located on the northern Elevation and would directly face the steep bank/retaining structure, as such, this room would receive very limited natural light and outlook, to the detriment of the residents and contrary to Local Plan Policy GD1. It is noted that the room is dual aspect, however, the window on the Eastern elevation would be directly adjacent to the driveway and eastern boundary, as such, it would again afford limited light and outlook.

In terms of the first floor bedroom, the East facing dormer would provide adequate light along with the roof lights but it would be relatively close to the side boundary and the views it did have would be over land outside of the applicants control.

The internal amenity space proposed falls short of the requirements set out in the South Yorkshire Residential Design Guide, particularly in relation to the open plan living accommodation and the ground floor bedroom. As such, residential amenity levels for future residents would be substandard, contrary to Local Plan Policy GD1.

In terms of outdoor amenity space, the SPD states that 2 bedroom properties should have a garden area of at least 50m². The plans show a garden area of 66m², however, there is a lack of information regarding the garden levels. There is a large banking to the rear of the site which is circa 4-5m high, as such, the majority of the garden would either be unusable or extensive tiering would need to take place which would result in large retaining structures which would be detrimental to the lower tiers of the North facing garden. In addition if an elevated garden was created it could cause overlooking issues to neighbouring properties and their associated gardens. An existing topographical survey has been submitted with the application but it relates to the neighbouring land and no proposed surveys or cross sections have been submitted.

Highways Safety

Concerns are raised regarding access to the site which is gained off the unadopted back lane serving 88-106 Burton Road which also serves 3 dwellings at 86a – 86c Burton Road which should provide a width of 4.5m to allow 2 vehicles to pass, however, highway comments to application 2018/0138, which also raised concerns over access, allowed the proposal as the back lane has historically served garages and parking for 88-106 Burton Road and therefore the number of vehicle movements generated by the site would not have a severe impact on highway capacity or highway safety and therefore the proposal will be acceptable in principle. They did, however, raise some concerns and highlighted areas of improvement as discussed below.

Barnsley Supplementary Planning Document (2019) requires that 1 parking space is provided for a 1-2 bedroom dwelling. The unnumbered drawing Site Plan dated Oct 22 shows 2 parking spaces

in tandem which will be unacceptable as vehicles will be required to have a 6m manoeuvring space to the rear to allow access to be gained. The length of the parking area is currently 10m which should be reduced to provide a 5m parking space with 6m manoeuvring area measured from the rear boundary of 102 Burton Road which should be 3.3m wide to allow pedestrian access to the front door of the dwelling and to comply with South Yorkshire Residential Design Guide (SYRDG). Visibility splays of 2.4m x 25m and pedestrian visibility splays of 2m x 2m which are within the control of the applicant and in which there are no obstructions over 0.6m would also need to be demonstrated.

Highways have also raised concern regarding the gradient of the site which should not exceed 1:12 for the first 5m of the parking area.

Mining

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site lies within an area of probable historic unrecorded shallow coal mining that could be attributed to the thick coal seams inferred to outcrop at or close to the surface to the south / south west of the site. This could affect the safety and stability of the redevelopment of this site.

The planning application is accompanied by a Shallow Mining Investigation Report (C300/03/ATS, 19 July 2019) prepared by G&M Consulting. Whilst the Report has been informed by the findings of intrusive ground investigations, (three rotary boreholes drilled to a maximum depth of 27m:

The locations of the exploratory holes are shown below.



these do not appear to relate to this particular application site. Investigations were carried out under the terms and condition of a Coal Authority Permit: 17077, which Coal Authority records identify as:



rather than the site location for this current application:



Whilst the submitted Report could be extrapolated and used in support of an up-to-date desk based study for the current proposal, it is not considered that the information as currently submitted demonstrates that this current development is safe and stable. The Coal Authority have therefore objected to this proposal.

Trees

A tree report has been submitted with the planning application, however, this report is dated 4th November 2015 and is therefore out of date. In addition, the report is not specific to the application site, it relates to the site to the West which was granted planning permission under application 2018/0138. As such, there is a lack of information to fully assess the impacts of the scheme on the onsite trees.

Conclusions

As outlined above, the site is allocated as Urban Fabric within the Local Plan. Local Plan policy H4 'Residential Development on small non-allocated sites' states 'proposals for residential development on sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies within the plan.

However, the proposal is contrary to, and in conflict with, a number of relevant policies and guidelines. The design of the dwelling and its positioning within the site is contrary to the development pattern of the area and would, as a consequence, appear an unduly intrusive feature on the streetscene to the detriment to visual amenity, contrary to Local Plan Policy D1.

In terms of residential amenity, the future residents of the dwelling would suffer substandard levels due to a lack of light and outlook, rooms which fall below the internal sizing requirements set out in the South Yorkshire Residential Design Guide and also an unusable garden area given the site levels. As such, the development would be contrary to Local Plan Policy GD1.

In addition to the above there is a lack of information to fully assess the proposal in that the Tree Survey is out of date and relates to a neighbouring site, the Coal Mining Risk Assessment is not site specific and there is no topographical information, levels or sections in relating to the proposed development.

Recommendation:

Refuse