

2021/1429

John Spencer

Change of use of land to residential garden including 1m stone boundary wall

Hoylandswaine Methodist Church, Haigh Lane, Hoylandswaine, Sheffield, S36 7JJ

Background

2021/1213 - Discharge of condition 3 (materials of application 2019/1315) Conversion to form 2no. dwellings and erection of 1 no. dwelling – Approved

2019/1315 - Conversion of former chapel to 2 no. dwellings including single storey extension to form side entrance and erection of 1 no. new dwelling – Approved with conditions (PD Rights removed)

2015/0914 - Conversion of former Methodist Church to 2 no. dwellings including single storey extension to form side entrance and erection of 1 no. new dwelling – Approved with conditions (PD Rights removed)

Description

The plot is a corner plot of land located to the corner of Haigh Lane, the main road through the village of Hoylandswaine and The Nook, a residential cul-de-sac. The site is situated within and on the edge of the Hoylandswaine Conservation Area. The adjoining Old Methodist Church is listed in the Conservation Area as a Heritage Asset and is currently undergoing conversion to two dwellings.

The site is a small area of grass and shrubs (approx. 12) measuring approximately 85sqm and is currently owned and maintained by Barnsley MBC. The owner of the Old Methodist Church is in the process of purchasing the land. It is the intention to use the land to form an extension to the garden areas of the two dwellings formed from the conversion of the Old Methodist Church.

The current boundary of the Old Methodist Church is a dry stone wall. There is no footway along this point of The Nook where it joins Haigh Lane, however there is a footway at the opposite sides of both roads. A kerb line separates the grassed area from the road surface.

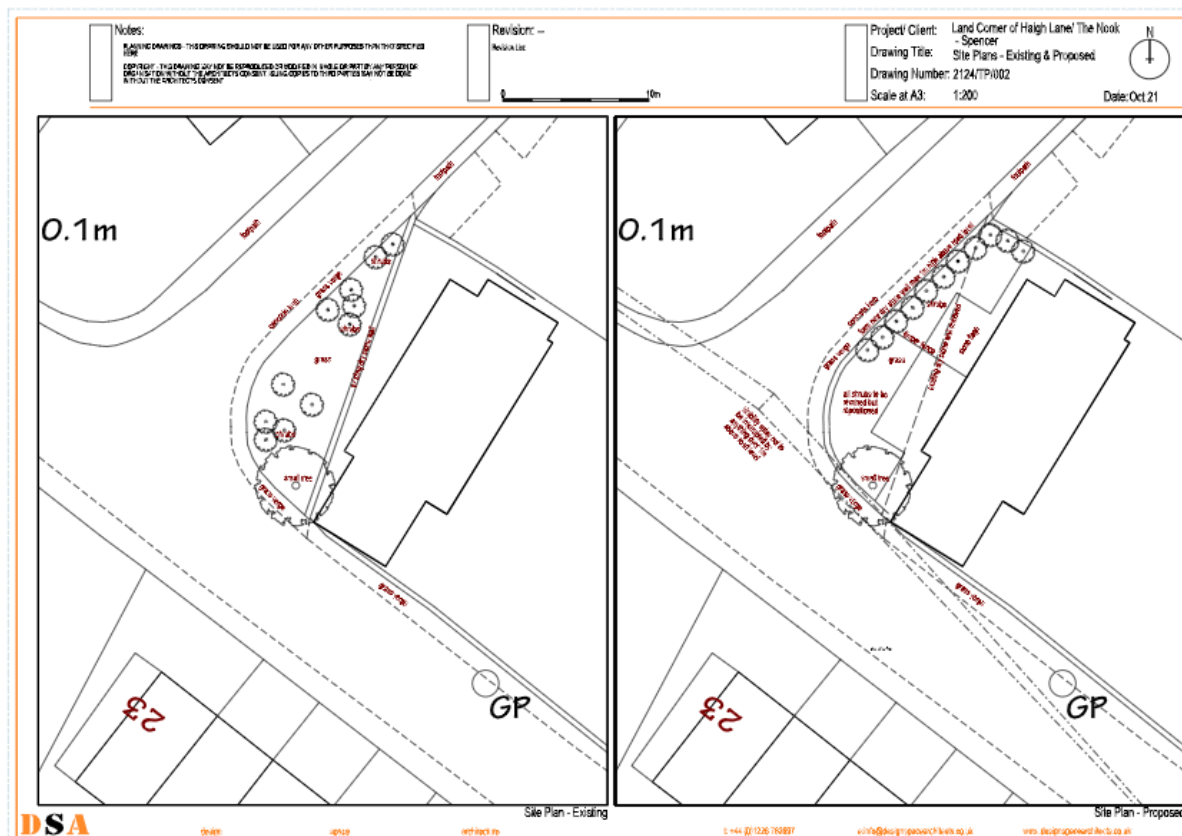




Proposed Development

The proposal is to change the use of an area of highway verge into garden areas for the two new properties following the conversion of the Old Methodist Church, including 1m stone boundary wall.

The agent states that 'existing shrubs will be retained but a number will have to be relocated, the small tree to the corner of the site will remain in place; this will retain a green corner to the area and so not detrimentally affect the visual appearance of the conservation area. A 1m high dry stone wall matching existing walls near the site will be constructed to form a boundary while retaining a grass verge (verge remains the ownership of BMBC), the dry stone wall is in keeping with the conservation area strategy. The site will be then laid to lawn and a stone flagged area for the amenity of the two properties. It is understood that the sale will restrict the erection of sheds and other domestic paraphernalia which will also be controlled by the conservation area consent.'



Policy Context

Planning decisions should be made in accordance with the Local Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) does not change the statutory status of the Local Plan as the starting point for decision making. The Local Authority (LPA) has also adopted a series of Supplementary Planning Documents (SPD) and Supplementary Planning Guidance Notes, which are other material considerations.

Local Plan Allocation – Urban Fabric/Hoylandswaine Conservation Area

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise and the recently revised NPPF does not change the statutory status of the development plan as the starting point for decision making.

The Barnsley Local Plan (BLP) was adopted at the full Council meeting held 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for the decision-making process as the development plan for the Borough, superseding the remaining saved policies from the Unitary

Development Plan (adopted in 2000) and the Core Strategy (adopted in 2011). 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 – 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 D1: High quality design and place making – Supersedes Core Strategy Policy CSP 29 and sets out the overarching design principles for the borough. Policy D1 States that development is expected to be of high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley.

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.

Policy HE1 The Historic Environment – We will positively encourage developments which will help in the management, conservation, understanding and enjoyment of Barnsley's historic environment, especially for those assets which are at risk

Policy HE3 Developments affecting Historic Buildings - Proposals involving additions or alterations to listed buildings or buildings of evident historic significance such as locally listed buildings (or their setting) should seek to conserve and where appropriate enhance that building's significance. In such circumstances proposals will be expected to: Respect historic precedents of scale, form, massing, architectural detail and the use of appropriate materials that contribute to the special interest of a building. Capitalise on opportunities to better reveal the significance of a building where elements exist that detract from its special interest.

Supplementary Planning Document: Walls and Fences

This document establishes the design principles that specifically apply to the consideration of planning applications for walls and fences, whilst also providing guidance for what can be erected without planning permission. Some key points raised in relation to this application are;

- The design, the materials used and the height of the wall or fence should relate to the character of the area in which you live or work; and

- Particular care should be taken on site frontages, in other visually prominent locations, or in sensitive settings (close to listed buildings for example)

Where the erection of a wall or fence does require permission, the main issues are likely to be; the design, appearance and materials, highway safety and the impact on neighbours.

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. Where a Local Plan is absent 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.

This is assessed against the policies in the NPPF as a whole; or where specific policies in the NPPF indicate development should be restricted or 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 inclusion of high-quality design for all developments, including individual buildings, public and private spaces and wider area development schemes.

Within section 12, paragraph 134 states that *“development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”*.

Consultations

Penistone Town Council – No objections
 Highways – No objections
 Conservation – No objections
 Drainage – No objection
 Ward Councillors – No Comments received

Representations

1 letter of objection which states:-

- The plans of the existing and proposed layouts are misleading: they suggest a footpath and usable grass verge along The Nook and around the bend into Haigh Lane, which are separate from the proposed site. These do not exist. A site visit by BMBC is therefore essential.
- The proposed dry stone wall should not under any circumstances be allowed to come too close to the kerb. The Nook is already a difficult junction to exit as vehicles coming around the bend on Haigh Lane from Barnsley Road always approach on the right of the road to pass cars parked outside Jackson Terrace opposite. A wall of 1m above road height built too

close to the kerb will restrict road-users' vision. Is 1m above road height not too high in any event?

- The proposed paving of the gardens does not take account of the many natural springs that often appear in this village and is therefore likely to intensify the run-off of water down The Nook. It may become necessary for BMBC to install a grate outside 6 and 8 The Nook, where the road is frequently under water even during dry periods.

Assessment

Principle of development

The site falls within urban fabric which has no specific land allocation. Extensions/alterations to residential properties are considered acceptable where they do not have a detrimental impact on the amenity of surrounding residents, visual amenity and on highway safety. The site is also set within the Conservation Area, therefore any proposals must preserve/enhance the Conservation Area.

Visual Amenity/Conservation

The main issue to consider for assessing this application regarding visual amenity is the impact the proposal would have on the character of the street scene and Conservation Area. The Conservation Officer has been consulted and has no objections. The existing wall that runs diagonally from the south western corner of the building to the north is a tiny fragment of a field wall that is just about visible on the first edition 1850 map. However, the Conservation Officer believes that it has been reconfigured and altered sometime in the C20 to enclose the small area we see today to the west of the building. Overall, whilst the proposal will result in the loss of this tiny section of wall, it has been altered before and is of low local heritage significance, in accordance with policies HE1 and HE3 of the Local Plan. The Conservation Officer has requested that the new dry stone wall is topped with half round toppers and that the fence that subdivides the two plots does not exceed the height of the wall. The Agent has agreed to this and these details are included on the plans.

The land and proposed wall are positioned within a visually prominent location at the corner of Haigh Lane and the Nook. The land currently has the appearance of a garden as it has been well maintained with small shrubs planted. Its change of use into residential garden area would not significantly alter its nature or appearance. A 1m wide grass verge strip is to be maintained adjacent to the highway. The frontage of the dwellings within the cul-de-sac of the Nook are fairly open plan with only low fencing/walls to the front. The proposal includes a small 1m high dry-stone wall, set back 1m from the edge of the highway and designed to match the existing wall to be removed. Given the limited height of the wall and its high-quality materials, it would not be out of character with the street scene of the Nook or the Conservation Area. The land would also retain a sense of openness, given the wall and fences are low in height. The proposal is considered to be acceptable when measured against Local Plan Policy D1, HE1 and HE3 and as a result is acceptable in terms of visual amenity.

Permitted Development Rights have been removed from the dwellings and for the avoidance of doubt it is felt that Permitted Development Rights should also be removed from this land/garden areas to ensure that no outbuildings/garages can be erected without planning permission, in order to protect the visually sensitive nature of the site within the Conservation Area and as the land is situated on a prominent corner plot location.

Drainage

Concerns have been raised with regard to drainage and surface water run-off from the properties and gardens. The Drainage Officer has been consulted and has no objections to the proposal. The drainage for the properties has been considered with the previous planning applications.

Residential Amenity

In terms of the impact of the development upon residential amenity, the change of use of this small area of land should not have a significant impact upon the amenity of adjacent residents by way of disturbance or loss of privacy.

Highway Safety

The Highways Officer has been consulted and has no objection to the application. The visibility to the left along Haigh Lane from The Nook is poor because it is restricted by the Church building and the small tree in the corner of the plot. Neither of these obstructions are to be removed as part of the change of use of the land, however the proposals have to be considered acceptable from a highways point of view as they do not result in any worsening of the already substandard visibility. The wall is limited to 1m in height and set back from the highway by 1m, so should not cause any obstruction to visibility.

For the above reasons the application is considered acceptable from a highways perspective in accordance with Policy T4 of the Local Plan.

Recommendation

Grant subject to conditions