
2024/0948

Mrs Rebecca Robinson

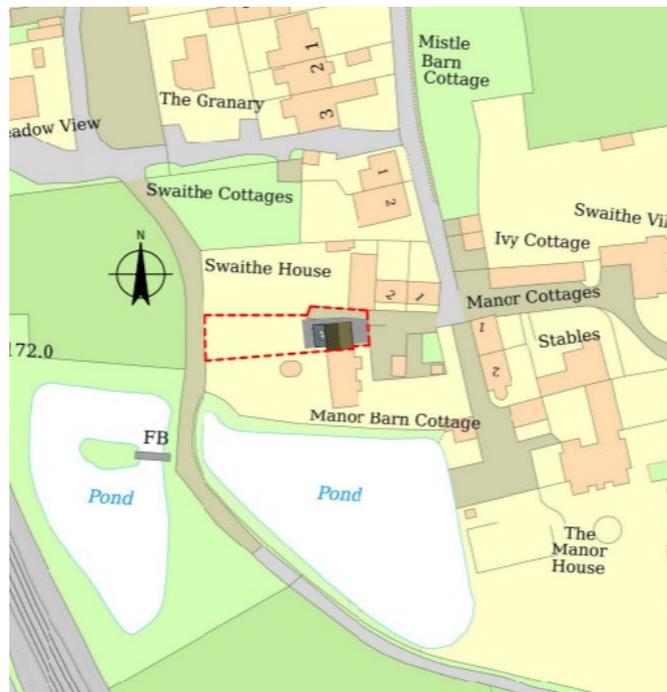
The Barn, Mitchell Street, Worsbrough Dale, Barnsley, S70 3QF

Erection of single storey extension on west elevation of dwelling (Amended Plans and Description).

Site Description

The application relates to a modest plot located at the end of and on the west side of Mitchell Street – a residential cul-de-sac characterised by two-storey and three-storey detached, semi-detached and terraced dwellings of similar appearance. There are public footpaths to the north and west. The grade II*-listed Swaithe House is located immediately to the north and adjacent to the development site.

The property in question is a two-storey semi-detached dwelling created because of an approved barn conversion. Prior to the conversion, the barn was ancillary to the adjacent Swaithe House and located within its curtilage. However, it is clear that the property now benefits from its own individual domestic curtilage separate to Swaithe House. The application property is constructed of stone with a pitched concrete tiled roof. The property is fronted by paving to the east and benefits from a large, raised garden to the west.



Planning History

There are two planning applications attached to the adjacent Swaithe House that are relevant as the files show that the conversion of The Barn was included. These applications are:

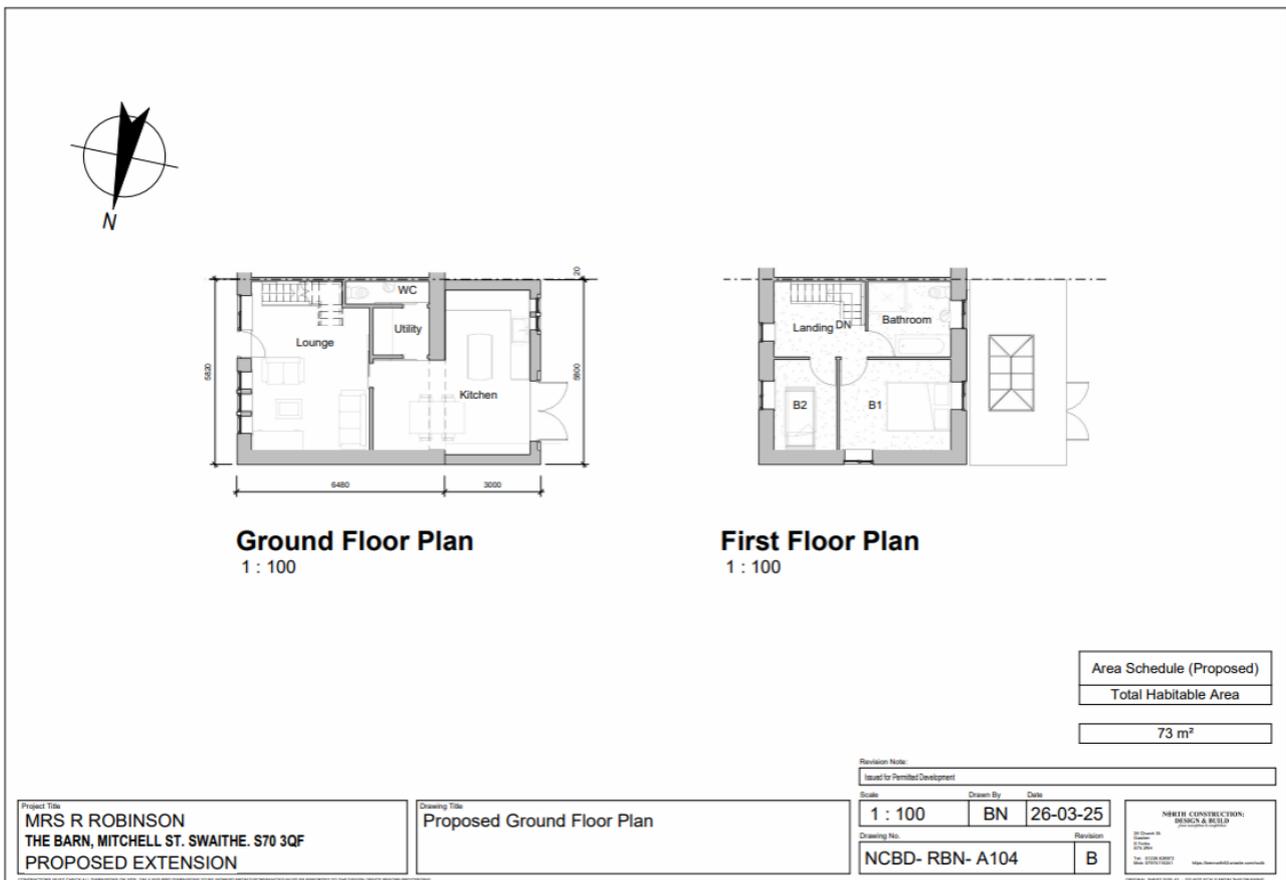
1. B/90/0515/WB – Conversion of existing house and barn to create five dwellings. – Approved.
2. B/90/0516/WB/LB – Conversion of existing house and barn to five dwellings (Listed Building). – Approved.

Proposed Development

The applicant is seeking permission for the erection of a single storey extension to the west elevation and minor alterations to existing apertures on the east elevation of the application property.

The proposed extension would measure approximately 3 metres (L) x 5.8 metres (W) x 2.6 metres (H). The extension would adopt a flat roof with a roof lantern and would be constructed of stone that would closely match the materials used in the external construction of the existing property. Existing floor-to-ceiling windows on the east elevation would be replaced with smaller windows.

During the application process, the proposal was amended to address heritage and visual amenity concerns raised by the Council's Conservation Officer. The concerns were maintained. The proposal was amended again to demonstrate compliance with permitted development requirements that are set out by Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).



Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

The Local Plan review was approved at a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review, which is due to take place in 2027, or earlier, if circumstances require it.

Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows the enlargement, improvement or other alteration of a dwellinghouse subject to compliance with the relevant criteria and conditions, including the existence of permitted development rights. Within this are the following categories:

Permitted development

- A. *The enlargement, improvement or other alteration of a dwellinghouse.*

Development not permitted

A.1 Development is not permitted by Class A if –

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);*
- (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);*
- (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;*
- (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;*
- (e) the enlarged part of the dwellinghouse would extend beyond a wall which—*
 - (i) forms the principal elevation of the original dwellinghouse; or*
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;*
- (f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—*
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or*
 - (ii) exceed 4 metres in height;*

- (g) *for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—*
 - (i) *extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or*
 - (ii) *exceed 4 metres in height;*
- (h) *the enlarged part of the dwellinghouse would have more than a single storey and—*
 - (i) *extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or*
 - (ii) *be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;*
- (i) *the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;*
- (j) *the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—*
 - (i) *exceed 4 metres in height,*
 - (ii) *have more than a single storey, or*
 - (iii) *have a width greater than half the width of the original dwellinghouse;*
- (ja) *any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);*
- (k) *it would consist of or include—*
 - (i) *the construction or provision of a verandah, balcony or raised platform,*
 - (ii) *the installation, alteration or replacement of a microwave antenna,*
 - (iii) *the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or*
 - (iv) *an alteration to any part of the roof of the dwellinghouse; or*
- (l) *the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).*

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) *it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;*
- (b) *the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or*
- (c) *the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse;*

- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
- (i) obscure-glazed, and
- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
- (c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Having considered the relevant planning history and available documents associated with planning application B/90/0515/WB, including condition 4 of the permission which states:

“No alterations (except those indicated on the plans hereby approved) shall at any time be carried out to the external appearance of the barn to the proposed garages without the prior written consent of the Council.”

It is considered the condition is ambiguously worded and relates to another element of the proposal included and approved under application B/90/0515/WB. It is therefore considered the application property does benefit from the existence of permitted development rights. As such, compliance with the above specifications have been reviewed and the proposed development would comply with the legislation and requirements for permitted development. Proposals that meet permitted development requirements cannot usually be assessed against national and local planning policies and guidance. However, the proposal has been submitted as a planning application and will be assessed as such.

Local Plan Allocation – Green Belt

The site is allocated as Green Belt in the adopted Local Plan and a grade II*-listed building is located immediately to the north. Therefore, the following policies are relevant:

- **Policy SD1: Presumption in favour of Sustainable Development.**
- **Policy GB1: Protection of Green Belt.**
- **Policy GB2: Replacement, extension and alteration of existing buildings in the Green Belt.**
- **Policy HE1: The Historic Environment.**
- **Policy HE3: Developments affecting Historic Buildings.**
- **Policy D1: High quality design and place making.**
- **Policy GD1: General Development.**
- **Policy POLL1: Pollution Control and Protection.**
- **Policy T4: New Development and Transport Safety.**

Supplementary Planning Document(s)

- ***Barn Conversions (Adopted May 2019).***
- ***House Extensions and Other Domestic Alterations (Adopted March 2024).***
- ***Parking (Adopted November 2019).***

National Planning Policy Framework (December 2024)

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. In respect of this application, relevant policies include:

- ***Section 12: Achieving well-designed places.***
- ***Section 13: Protecting Green Belt land.***
- ***Section 16: Conserving and enhancing the historic environment.***

Planning (Listed Buildings and Conservation Areas) Act 1990

- ***Section 16: Decision on application.***
- ***Section 66: General duty as respects listed buildings in exercise of planning functions.***

Other Material Considerations

- ***South Yorkshire Residential Design Guide 2011 (SYRDG).***
- ***National Planning Practice Guidance.***

Consultations

Public Rights of Way	<i>No objection subject to informative.</i>
Conservation Officer	<i>Objection.</i>

Representations

Neighbour notification letters were sent to surrounding properties. A site notice was placed nearby, expiring 6th December 2024. A re-consultation was undertaken due to amended plans and amended description, expiring 24th March 2024.

Two objections were received from one address concerning the proposal as it was submitted. The concerns raised have been summarised and relate to the potential impact of a side extension on an existing access road and right of way, potential impact on drainage systems, and the absence of a heritage statement. During the application process, the proposal was amended, and a side extension was removed, and a heritage statement was provided. Issues concerning drainage are a matter for future regulatory stages. Issues concerning a right of way over an existing access are not a material planning consideration and cannot therefore be taken into account. However, the impact on highway safety more generally has been assessed. No further objections were received from this address in relation to the amended proposal.

One representation was received concerning the amended proposal raising concerns regarding the proposed colour of the windows frames.

Assessment

For the purposes of considering the balance in this application, the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of Development

Extensions and alterations to a dwelling are acceptable in principle if the development would remain subservient and would be of a scale and design which would be appropriate to the host property and would not be detrimental to the amenity afforded to adjacent properties, including visual amenity and highway safety. Development should also not have a harmful impact on the appearance or character and should preserve the openness of the Green Belt and should respect, conserve and enhance the significance and setting of the borough's heritage assets and should not significantly alter or detract from the character of the street scene.

Green Belt Assessment

Extensions and alterations to an existing domestic property are acceptable in principle if cumulatively the proposals would not amount to more than a doubling of the size of the original building. Original means as existed in 1948 or, in relation to a building constructed later, as it was built. Outbuildings will not contribute to the original floor space but will be considered when calculating the cumulative additions to the original building.

In accordance with Policy GB2, the proposal would not amount to more than doubling of the size of the original building. However, to avoid further harm to the Green Belt, some permitted development rights will be removed.

Subject to conditions, this weighs significantly in favour the proposal.

The proposal is therefore considered to comply with Local Plan Policy GB1: Protection of Green Belt and Local Plan Policy GB2: Replacement, extension and alteration of existing buildings in the Green Belt and is acceptable.

Design, Heritage and Visual Amenity

Extensions and alterations to an existing domestic property are acceptable if the development would remain subservient and would be of a scale and design appropriate to the host property and would not significantly alter or detract from the character of the street scene. Development should also not have a harmful impact on the appearance or character and should preserve the openness of the Green Belt and should respect, conserve and enhance the significance and setting of the borough's heritage assets.

During the application process, the proposal was amended to attempt to address visual amenity and heritage concerns raised by the Council's Conservation Officer. However, concerns were maintained and the Officer objected again, citing a departure from the design guidance in the Barn Conversions SPD, a hipped roof which would not be in-keeping with the existing roof and the potential impact on the grade II*-listed Swaithe House, resulting in less than substantial harm and a purely private benefit with a potential to set a negative precedent which could contribute to further cumulative harm to the setting, which weighs significantly against the proposal. Notwithstanding this, paragraph 1.3 of the

Barn Conversions SPD (adopted May 2019) states that this note offers design guidance to anyone seeking to convert a farm building to residential use or other use. It is clear that the intention of this SPD is to provide guidance on new barn conversions and not existing conversions. The conversion of the application property from a barn to a residential use was substantially completed prior to the adoption of this SPD, and therefore the proposal amounts to an extension to an existing converted barn where permitted development rights were not removed. The provisions of the Barn Conversions SPD are therefore not applicable in this instance.

Consequently, amendments to conform to permitted development requirements were submitted by the applicant, and whilst the amendments do not address the Officer's objection, the proposal would comply with the design guidance in the House extensions and other domestic alterations SPD. It is also acknowledged that the amended scheme could be implemented without planning permission utilising permitted development rights. In this instance, the LPA therefore has no other option but to recommend approval. Nevertheless, conditions will be used to secure appropriate external materials and remove some permitted development rights, which could lessen the extent of any potential harm. The proposal would not set a precedent as each application is considered on a case-by-case basis and on its own merits.

During the application process, one representation was received concerning the amended proposal raising concerns regarding the proposed colour of the window frames and the potential impact on the character of the street scene. However, the application property is not a listed building or located within a conservation area and there are no previous conditions restricting alterations to the external appearance of the property. Such alterations do not require planning permission. Nevertheless, the amended proposal shows that all windows on the east and west elevations would match and be the same cream colour and given the application property is set back from the main road and somewhat hidden by surrounding buildings, there would likely be a limited impact on the character of the street scene.

In relation to the openness of the Green Belt, the proposal would be implemented within the existing residential curtilage of and would be attached to the application property and would be constructed of appropriate materials. It is therefore considered that the proposal would not harm the openness or visual amenity and character of the Green Belt.

Subject to conditions, this is considered to weigh moderately in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy GB1: Protection of Green Belt and Local Plan Policy D1: High Quality Design and Placemaking, although there would be some conflict with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, HE1: The Historic Environment and HE3: Developments affecting Historic Buildings. However, the proposal would comply with permitted development requirements and could therefore be implemented without planning permission. Consequently, the LPA has no other option but to recommend approval in this instance, irrespective of any potential harm that could arise.

Residential Amenity

Extensions and alterations to a domestic property are acceptable if the proposed development would not adversely affect the amenity of neighbouring properties.

Regarding overshadowing impact, the proposed extension would be erected to the north of adjoining Manor Barn Cottage and to the south of the rear curtilage of Swaithe House. Whilst there is potential for some impact to occur, this would likely be limited to the applicant curtilage due to the separation created by an existing road and boundary treatments. Notwithstanding this, the proposal could be implemented as permitted development and therefore the LPA could not control the extent of any potential impact which could otherwise occur. Nevertheless, the amended proposal is not considered to be significantly detrimental to the amenity of the occupant(s) of neighbouring dwellings.

Regarding overlooking and loss of privacy impact, windows would be located on the west elevation of the extension which would face into the application site and away from neighbouring properties. Minor alterations would also be carried out to existing apertures on the east elevation of the dwelling, but existing separation distances would be maintained. The proposal is therefore not considered to be significantly detrimental to the amenity of the occupant(s) of neighbouring dwellings.

It is also considered that the proposed development would not result in reduced levels of outlook.

It is acknowledged that there could be some disruption and nuisance caused to people in the locality during construction and demolition works. However, any impact is anticipated to only be temporary and construction hours will be controlled by condition.

Subject to conditions, this is considered to weigh significantly in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy GD1: General Development and Local Plan Policy POLL1: Pollution Control and Protection and is considered acceptable regarding residential amenity.

Highway Safety

The proposed development would not be prejudicial to highway safety; the existing site access and off-street parking arrangements would be maintained and there would be no requirements to provide additional spaces.

Considering the above, this is considered to weigh modestly in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy T4: New Development and Transport Safety and is considered acceptable regarding highway safety.

Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal constitutes development that will comply with the permitted development requirements as set out by Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and whilst there would be some conflict with national and local planning policies and guidance regarding design, heritage and visual amenity, the LPA has no other option but to recommend approval in this instance as the proposal could be implemented without planning permission.

**Recommendation -
Approve with Conditions**