

2024/0751

Mr Simon Roddis

Crag Cottage, Finkle Street Lane, Wortley, Barnsley, S35 7DH

Change of use of the first floor and part of ground floor of garage to a residential annex (Retrospective)

Site Description

The site is a large, detached dwelling located in Wortley. Crag Cottage is accessed from a private road off Finkle Street Lane. The dwelling has a former detached garage now converted into an annex to the side (northwest) which is the subject of this application.

Planning History

B/87/1295/WO - Erection of porch

2009/0838 - Erection of a two-storey side extension and conservatory extension to dwelling (Approved with Conditions)

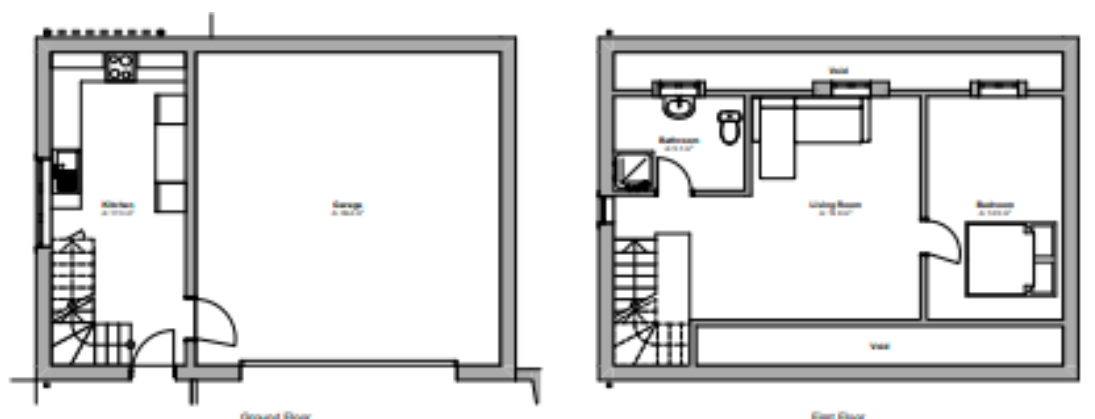
2024/0320 - Certificate of lawfulness for dwellinghouse garage with first floor ancillary accommodation to form a residential annex to the host dwelling (Lawful Development Certificate - Granted)

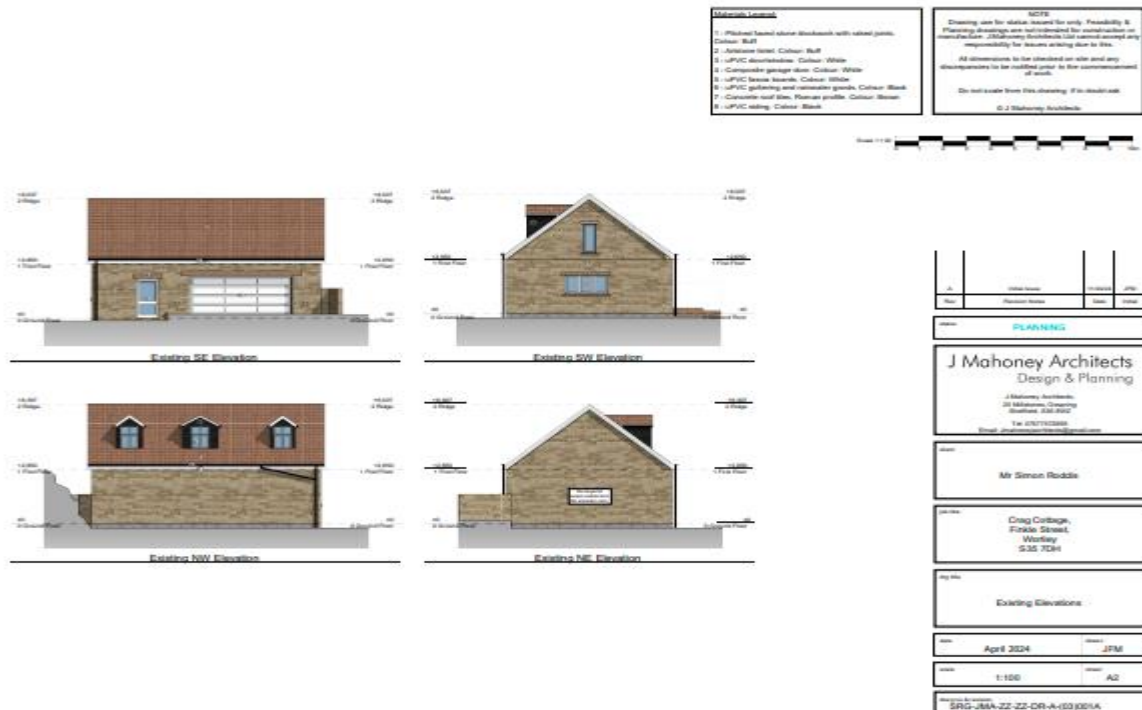
The decision notice for 2024/0320 included the following informative;

This certificate only grants the operational development as described but does NOT grant any change of use of the building to residential use. A retrospective planning application will be required for the change of use of the first floor of the garage to a residential annex. Without this the change of use is still liable for enforcement action given it can't be evidenced it has been established for 10 years at the time of this application.

Proposed Development

The applicant is seeking approval for the change of use of the first floor and part of ground floor of an existing garage to a residential annex. The annex will feature four rooms. The garage as existing has a length 6.6 metres of and a width of 9.05 metres. The garage has a pitched roof with a ridge height of 6.05 metres and an eaves height of 2.8 metres. Three dormer windows are present in the roof plane on the rear elevation. The materials used are stone and concrete roof tiles.





Policy Context

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 was adopted in January 2019 and is also now 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 and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting on 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering 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. The next review is due to take place in 2027 or earlier if circumstances, require it.

Local Plan Allocation – Green Belt

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). 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 – Development will be approved if 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 D1: High quality design and place making – Development is expected to be of a high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

Policy GB1: Protection of Green Belt – In accordance with the NPPF, the erection of new buildings within the green belt will be classed as ‘inappropriate’ development with sites in the green belt being protected from such.

Exceptions to this are:

- Buildings for agriculture and forestry;
- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries;
- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- The replacement of a building provided the new building is in the same use and not materially larger than the one it replaces;
- Limited infilling in villages, and limited affordable housing for local community needs; and
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land).

All such buildings will still be considered in terms of their impact on the openness of the green belt and whether they cause other harm. In accordance with the NPPF and as set out in GB1, the Council will not allow proposals for ‘inappropriate’ development in the Green Belt unless it can be shown that there are very special circumstances that justify setting aside local and national policy.

Policy GB2: Replacement, extension and alteration of existing buildings in the Green Belt – Provided that it will not have a harmful impact on the appearance, or character and will preserve the openness of the Green Belt, we will allow the following development in the Green Belt:

- Replacement buildings where the new building is in the same use and is not materially larger than that which it replaces;
- Extension or alteration of a building where the total size of the proposed and previous extensions does not exceed the size of the original building;
- Dividing an existing house to form smaller units of accommodation.

All such development will be expected to:

- Be of a high standard of design and respect the character of the existing building and its surroundings, in its footprint, scale and massing, elevation design and materials; and
- Have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety.

Supplementary Planning Document: House extensions and Other Domestic Alterations

This document establishes 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 should;

- Be of a scale and design which harmonises with the existing building;
- Not adversely affect the amenity of neighbouring properties;
- Maintain the character of the street scene; and
- Not interfere with highway safety

The above principles are to reflect the revised principles in the NPPF, which promote high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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. In respect of this application, relevant sections include:

- Section 12: Achieving well-designed and beautiful places
- Section 13: Protecting Green Belt land

Consultations

Building Control were consulted and raised no objections

The LPA's Forestry Officer was consulted and raised no objections.

Planning Enforcement were consulted and raised no objections.

Wortley Parish Council were consulted and raised no objections

Representations

Neighbour notification letters were not sent to surrounding properties as the host dwelling is in an isolated location with the nearest dwelling being approximately 307 metres away.

Assessment

Principle of Development

The site falls within Green Belt as such, extensions, roof alterations, outbuildings and other domestic alterations will be considered against the general principles from the SPD and the following criteria;

- The total size of the proposed and previous extension should not exceed the size of the original dwelling
- The original dwelling must form the dominant visual feature of the dwelling as extended

Extensions, alterations and outbuildings to residential properties are considered acceptable where they do not have a detrimental impact on the amenity of surrounding residents, visual amenity and highway safety. It must be noted with this application the structure of the building has already been approved under application 2024/0320 and therefore only the change of use of the first floor is being assessed. For clarity a Green Belt assessment will still be undertaken.

Impact on the Green Belt

When assessing extensions and alterations for sites within the Green Belt, how the original dwelling stood in 1948, or whenever the house was built, whichever is later needs to be identified. Here the dwelling is clearly shown on the 1960 map and the measurements will be taken from there.

- Original dwelling (both floors) = 108sqm
- Existing dwelling ground floor = 109sqm
- Existing dwelling first floor = 85.6sqm
- Existing garage / proposed annex = 59.7sqm
- Existing outbuilding = 19.4sqm
- Existing outbuilding = 11.3sqm
- Proposed total dwelling and outbuildings = 285sqm

As such, the existing extensions and outbuildings do exceed 100% of the size of the original dwelling. As the 100% limit is breached permitted development rights will be removed as they weren't during the approval of 2009/0838. Again, it is noted that the proposal involves no new external works or buildings, and the garage is exempt from planning permission.

Visual Amenity

The garage/annex is an existing building however, the SPD states that *'materials should normally be of the same type, colour and texture to the existing house or as close a match as possible'*. In this case, the materials are akin to that of the host dwelling. The garage/annex utilises a pitched roof which is also akin to the host dwelling's pitched roof. The garage/annex will not be highly visible in the street scene nor impact significantly on the openness of the Green Belt. The proposed development is therefore not considered to be contrary to Local Plan Policy D1: High Quality Design and Place Making and is considered acceptable in terms of visual amenity.

Residential Amenity

The garage/annex won't have a significant detrimental impact on any neighbouring property by way of overshadowing, overlooking or being overbearing due to the isolated nature of the host dwelling. The nearest residential property is approximately 307 metres away. The SPD states *"an annex building, often referred to as a 'Granny Annex' may be permitted in a rear garden where it would not occupy a disproportionate amount of the garden and would not have its own separate access or garden area, and an annex should normally have a close physical relationship with the host dwelling and maintain a reliance with it having some shared facilities, be single storey and their size shall be up to 39m² and no larger than the size of a double garage"*. The annex is located to the side of the dwelling however, this is the side away from the road and therefore acceptable for its siting. The floorspace of the annex is greater than 39sqm however the garage is existing and therefore it is not deemed to be harmful to breach the recommended size in this circumstance.

Highway Safety

There will be no impact upon highway safety.

Recommendation

Approve with conditions