

2022/0486

Mr & Mrs A Newton

1 Woodroyd Gardens, Wombwell, Barnsley, S73 0HB

Erection of detached garage

Site Description

The dwelling is a two-storey detached dwelling located in Wombwell. Woodroyd Gardens is accessed off Wood Walk and has a consistent residential street scene featuring 6 individually designed dwellings as a result of planning application 2010/1420. The dwelling has a garden area to the front and a driveway leading to an attached garage to the side (northwest). To the side (southeast) is a detached outbuilding. The trees on the site are protected by TPO 4/1981 which contains birch, oak, sycamore, sweet chestnut as well as other species. Six trees are found on the plot for 1 Woodroyd Gardens adjacent the boundary with Wood Walk.

Planning History

2006/2027 - Felling, pruning and thinning of damaged trees within TPO No. 4/1981, area A1/No. 5/1980 (Approved with Conditions)

2008/0792 - Erection of 5 dwellings (outline) (Refused)

2008/1827 - Erection of five dwellings (Outline) and retention of bungalow (Resubmission) (Approved with Conditions)

2009/0328 - Fell Chestnut Tree T1 and Sycamore T29 and removal of Birch Trees T10, T11, T20 and Beech Tree T23 within Tree Preservation Order no. 5/80 (Allowed at Appeal)

2010/1012 - Fell trees G82 (Beech), T70 (Cherry), T67 (Oak), G49 (Birch), T56 (Beech), T57 (Beech), T58 (Beech), T59 (Oak), T53 (Sweet Chestnut), G49 (Beech) and a further Beech Tree. Also lift canopies of trees T80 and T81 (Horse Chestnuts) and thinning, crown lifting and crown reduction of tree T71 (Beech) within TPO 5/1980 (Split Decision)

2010/1420 - Erection of five dwellings and retention of bungalow (Reserved matters of application 2008/1827.) (Approved with Conditions)

2014/0721 - Remove trees T1-T12 from G49 (Oak, Silver Birch and Holly) T53 and T55. Crown lift all trees on site to 4m TPO 4/1981 (Approved with Conditions)

2014/1322 - Minor Material Amendment to application 2010/1420 (Erection of five dwellings and retention of bungalow (Reserved matters of application 2008/1827.) (Approved with Conditions)

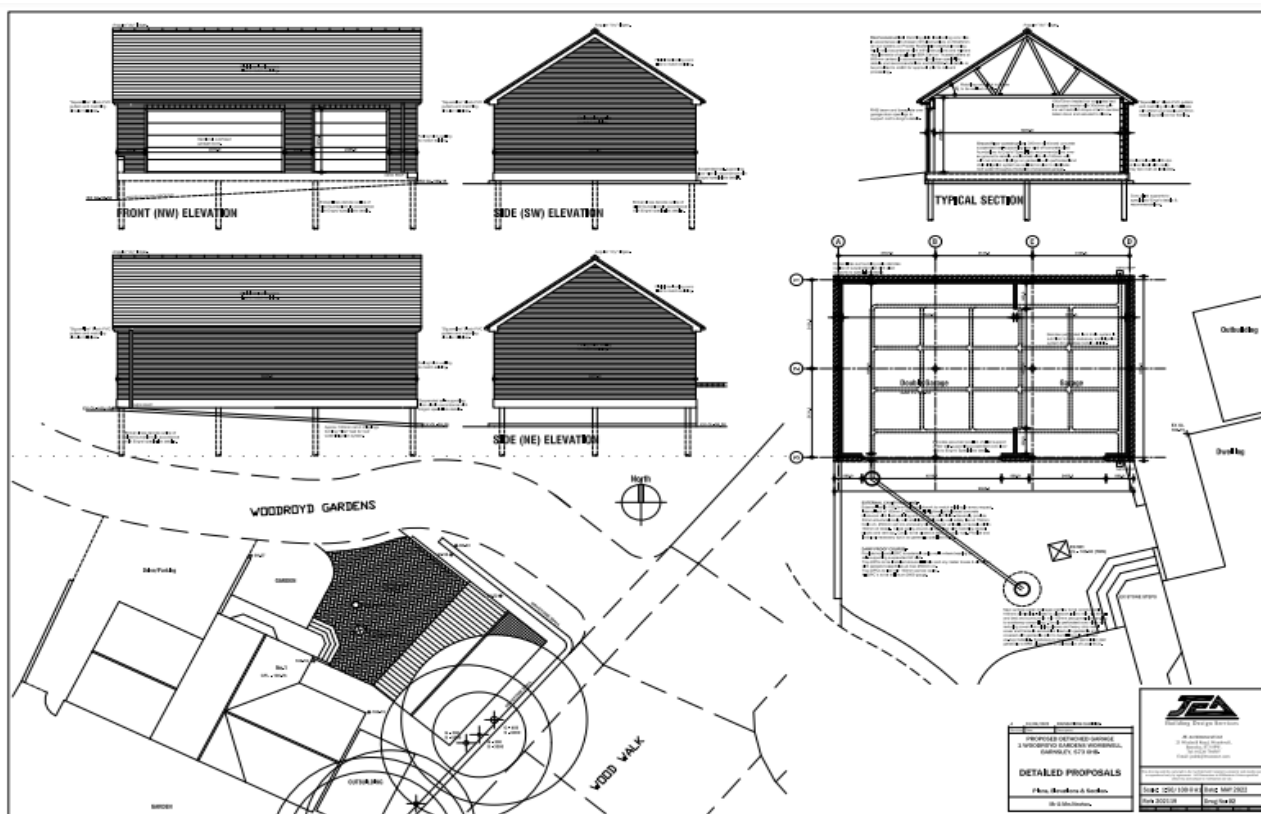
2015/0029 - Minor Material Amendment of application 2010/1420 - (Erection of five dwellings and retention of bungalow) - in relation to plots 4 & 5 (Approved with Conditions)

2015/0713 - Variation of condition 2 of app 2010/1420: Erection of 5 no. dwellings and retention of bungalow to allow change in house type on plot 1 no. (Approved with Conditions)

2015/0827 - Uplift of crown to Beech tree T1 4.5 metres, removal of the branch growing across the main trunk and removal of 2 lowest branches from Oak tree T2 within TPO 4/1981 (Refused)

Proposed Development

The applicant is seeking approval for the erection of a detached double garage. The garage will be located to the west of the site. The garage has a length of 6.52 meters and a width of 9.67 meters. The garage will feature a pitched roof with a ridge height of 5.1 meters and an eaves height of 2.4 meters. The materials used will be matching brickwork and roof tiles to the existing dwelling.



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 – Urban Fabric

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 BIO1: Biodiversity and Geodiversity – Development will be expected to conserve and enhance the biodiversity and geological features of the borough.

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.

Supplementary Planning Document: Trees and Hedgerows

It is generally expected that trees protected by a TPO are retained and remain unaffected by any proposed development. In considering planning applications, the Council will seek to avoid such long-term problems arising as well as ensuring that the development does not lead to the unnecessary direct removal of trees and hedgerows.

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 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

The LPA's Forestry Officer was consulted and objected to the application.

Having looked at the plans I do still have concerns over the incremental development of this site and the impacts this will have in terms of the protected trees. I fully appreciate the efforts of the arboricultural consultant to specify acceptable solutions, but the inescapable fact is that almost the entire rooting areas of these trees will be surfaced over by either the concrete slab on top of the pile and beam foundations and the permeable paving.

BS5837:2012 notes that new hard surfacing should not occupy more than 20% of the trees current uncovered rooting area; it is clear from the plans that what is proposed is far in excess of this particularly when considering the area effectively covered over by the garage itself.

I do not feel therefore that the application can be considered acceptable in arboricultural terms given that the works will cover almost the entire rooting area of the trees disrupting the rooting environment to the detriment of the protected TPO trees.

Highways Development Control (DC) were consulted and raised no objections.

Representations

Neighbour notification letters were sent to surrounding properties, three objections were received and in summary raised the following points;

- When the development was originally built all dwellings had to be in keeping. The proposal is not in keeping with the street scene, forward of the existing dwelling, visible from the highway and is out of proportion with the dwelling.
- The proposal is over the main drain which serves the entire site.
- The applicant has already constructed an external office space in the tree zone closer to the highway than the existing dwelling.
- This development is described as being for a garage. In fact it is for three garages, which is significant building.
- This development is in front of the principal elevation of the house on this site.
- It significantly effects the amenity of the location especially the outlook and overall concept of Woodroyd Gardens being a select development within a woodland setting.
- There is no justification for a domestic building on a small plot requiring 5 garages.
- There will be no control over the future use of these garages. In future they could become used as accommodation for a business run from the house.
- This would increase vehicle entry and exit from Woodroyd Gardens. This would be a road safety issue as the junction with Wood Walk close to the blind bend can be somewhat tricky.

Assessment

Principle of Development

The site falls within urban fabric which has no specific land allocation; however, the site and surrounding area is made up principally of housing. Extensions 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.

Impact Upon TPO

The entire rooting area of the trees will be surfaced over by the proposed development. There are also concerns about the cumulative effect on the trees from the continual disturbance and development on the plot. Given the protected status of the trees it is judged that the cumulative effect of the continual development of this property along with the new garage and large hard surfaced area would have a detrimental impact on the trees. Ultimately covering of the entirety of the useable ground for the tree's roots is unacceptable and would ultimately be detrimental to the long-term health of these protected trees. The proposed development is considered to be contrary to the Council's SPD for Trees and Hedgerows and Local Plan Policy D1: High Quality Design and Place Making and is unacceptable in terms of its impact upon the trees immediately adjacent to the site.

Visual Amenity

The SPD states that *"detached garages should relate sympathetically to the main dwelling in style, proportions and external finishes. In most cases, it will not be appropriate for a garage to be sited between the house and the road"*. In this case the dwelling is sited between the host dwelling and the road which considering that the dwelling is the first on Woodroyd Gardens when viewed from Wood Walk exacerbates the impact of it being set forward of the host dwelling. The garage also draws the eye due to its proximity to the highway in relation to the host dwelling and the proposal would cause the garage to further dominate the street scene.

Therefore, it would appear as an abnormally large garage and an anomalous feature in the street scene, therefore incurring substantial harm to the visual amenity of the area. Also, the proposed height of the garage is likely to diminish its ancillary appearance to the main dwelling and expand its capacity to house an annex, henceforth not being subservient to the existing dwelling. The proposed development is therefore considered to be contrary to Local Plan Policy D1: High Quality Design and Place Making and is considered unacceptable in terms of visual amenity.

Residential Amenity

There will be no significantly detrimental impact to the residential amenity of neighbouring properties as a result of the proposed detached garage.

Highway Safety

There will be no impact upon highway safety.

Recommendation

Refuse