

<b>Application Reference Number:</b>	2025/0231
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<b>Application Type:</b>	Change of Use
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<b>Proposal Description:</b>	Change of use of former first floor accountants office to 2 bedroom residential apartment(C3) and associated external changes
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<b>Location:</b>	69 High Street, Dodworth, Barnsley, S75 3RQ
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<b>Applicant:</b>	Mr Richard Maxwell
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<b>Third-party representations:</b>	Two	<b>Parish:</b>	None
		<b>Ward:</b>	Dodworth

**Summary:**

This planning application seeks a change of use of a former first floor accountants office to a two bedroomed residential apartment (Use Class C3) as well as associated external changes.

The site falls within Urban Fabric as allocated by the adopted Local Plan. Development comprising alterations to an existing building are considered acceptable in principle if proposals would not significantly adversely affect residential and visual amenity, highway safety, and where satisfactory standards of design are achieved.

The proposal would have no adverse impact on highway safety, residential or visual amenity and is considered acceptable in policy terms. The proposal is therefore considered to be an acceptable and sustainable form of development in accordance with Section 2 of the National Planning Policy Framework (NPPF, 2024).

**Recommendation:**

Approve subject to conditions



## Relevant Policies

### The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

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 H4: Residential Development on Small Non-Allocated Sites** – Proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with other relevant policies.

**Policy H6: Housing Mix and Efficient use of land** – Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population. Proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

**Policy Poll1: Pollution Control and Protection** – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

**Policy T3: New development and Sustainable Travel** – Expects new development to be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cycles. Also sets criteria in relation to minimum levels of parking; provision of transport statements and of travel plans.

**Policy T4: New Development and Transport Safety** – 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.

#### National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England.

It sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent.

The most relevant sections are:

- Section 2 - Achieving sustainable development
- Section 4 - Decision making
- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well-designed places

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

#### Supplementary Planning Documents:

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The most pertinent SPD's in this case are:

- Design of Housing Development
- Parking
- Sustainable Travel

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

#### Other Guidance

- South Yorkshire Residential Design Guide

## **Consultations**

Dodworth Ward Councillors were consulted and raised no objections.

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

Pollution Control were consulted and raised no objections subject to conditions.

## **Representations**

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

Neighbour notification letters were sent to surrounding properties, a site notice erected at the site, two objections were received.

In summary the following points were raised.

- Alternative design solutions not explored
- Could a Juliet balcony be used
- Could the proposed staircase be located on the other side of the building
- Inadequate justification for design
- Loss of privacy from the proposed balcony
- Loss of privacy from the proposed external staircase
- Overbearing impact of proposed balcony
- Overbearing impact of proposed staircase
- Overlooking from the proposed balcony
- Overlooking from the proposed external staircase
- Proposed balcony would be visually intrusive
- Proposed staircase would be visually intrusive

A further re-consultation was undertaken following the submission of amended plans which removed the balcony projection and replaced it with a Juliet balcony with inward opening doors. No further objections or comments were received.

## **Assessment**

The main issues for consideration are as follows:

- The acceptability of the alterations
- The impact on the character of the host building
- The impact on the character of the area
- The impact on residential amenity of the proposed units and of the neighbouring residents
- The impact on highway safety

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

The site is located within an area of Urban Fabric where Local Plan Policies GD1 'General Development' and H4 'Residential Development on Small Non-allocated Sites' apply. These require that development should be compatible with its surroundings. In this case the street and surrounding area is predominantly residential and as such the use of this site for residential uses would be in keeping with the locality. This weighs significantly in favour of the proposal.

Furthermore, 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 highway safety or traffic problems or prejudice the possible future development of a larger area of land.

## Residential Amenity

The proposal involves the creation of a new residential unit and other residential properties are adjacent and most notably to the north (1-8 Willow Grove), northeast (27 & 29 Rose Hill Drive), east (71, 71A, 73 & 75 High Street), south (78, 80, 82 & 84 High Street) and west (67 & 67A High Street & Croft Cottage 28 Jermyn Croft), therefore the impact upon the residential amenity of these properties is an important consideration. The site was office space and therefore the conversion into residential units requires no major external changes other than the staircase. Additionally, the use of the site for residential purposes is in keeping with the adjacent uses.

In terms of external spacing standards and overlooking, the SPD Design of Housing Development states that a minimum of 21 metres should be achieved between facing habitable room windows, and 12 metres should be maintained between habitable room windows and a blank side elevation. Main habitable room windows are located on the rear elevation and face north along with the Juliet Balcony. There are 2 small habitable room windows on the side elevation facing west which are existing along with the proposed external staircase.

The distance from the proposed rear elevation to the first block of dwellings to the north is approximately 14 metres. This elevation is a side elevation and although some windows are present, they are not main habitable room windows. The second block of dwellings to the north is approximately 26 metres away. The dwellings to the northeast are approximately 45 metres away. It is noted the proposed Juliet balcony would look out in this direction onto the dwellings however the distance to their private amenity space is also approximately 23 metres.

The dwellings to the east are adjoining to the building as it is a terrace, but there is no fenestration changes proposed to this elevation. Also, with the dwellings to the south there are no fenestration changes to the front elevation of the building and the dwellings are intercepted by the highway. The closest is approximately 27 metres away. This weighs moderately in favour of the proposal.

The dwellings to the west also form part of the terrace as it continues onto Jermyn Croft. Croft Cottage 28 Jermyn Croft is the furthest of these and is approximately 10 metres away facing the side elevation at an angle. The only external changes affecting these properties are the external staircase and door it serves. The windows as discussed above are existing.

The external staircase has a standing area at the top, which is approximately 1.5 square metres, this is not deemed to be large enough to cause significant overlooking nor be usable as amenity space. Movement on the stairs would be fleeting, and a real effort would be required to look into the neighbouring windows. The addition of a door is also not impactful. The balcony has been amended to a Juliet balcony which is deemed acceptable and reduces the impact of overlooking as there is no external projection. This weighs moderately in favour of the proposal.

The proposal should not cause any significant increase in overshadowing or overbearing impact to any neighbouring dwelling as it is an existing structure therefore its impact will not change from that of the existing. It is noted the building is large in relation to its rear projection when compared to the existing adjacent dwellings however the building is well established and not altered in this sense.

In terms of noise from surrounding uses, it is noted that the proposed flat will be located on a predominantly commercial street however existing residential uses have already been approved in this location. In addition, the LPA's Pollution Control team have raised no objections to the scheme. This weighs moderately in favour of the proposal.

The proposed internal dimension for the flat meets the overall spacing standards for a two bedroomed flat within the South Yorkshire Residential Design Guide. The flat has an overall floorspace of 80sqm. Furthermore, it must also be noted that the proposal is a conversion and therefore the original fabric of the building has to be accounted for. This weighs significantly in favour of the proposal as the required floorspace is achieved.

Shared private amenity space for flats should be a minimum of 50sqm plus and additional 10sqm per unit either as a balcony space or added shared private space. The residents have access to a large rear yard area which predominantly used for parking therefore it cannot be classed as quality private amenity space. There is an additional 50sqm of allocated amenity space on the site plan, however. Furthermore, the amount of shared private space to be provided can also depend on the quality, quantity and accessibility of local public open space and the site is close to Dodworth Dyke Playing Fields and Dodworth Miners Welfare which provides easily accessible green space.

Within the wider area of Barnsley there is the Dearne Valley Country Park and the Dearne Valley Green Heart partnership, which is one of the only 12 nature improvement areas in England which is creating a healthy and attractive natural environment providing plenty of outdoor amenity space within the local area. Given that the flat is unlikely to appeal to families, it is considered that there is acceptable outdoor amenity space for the proposed scheme given the nearby facilities as well as the close proximity to Dodworth Centre and the amenities provided there.

For the above reasons, the proposal is not expected to be detrimental to the residential amenity of the neighbours nor the future occupiers in line with the standards set within the SPD and the SYRDG. The proposal is considered to be in compliance with Local Plan Policy GD1: General Development and is acceptable in terms of residential amenity. This weighs significantly in favour of the proposal.

### Visual Amenity

There will be no significantly harmful impact to visual amenity from the proposed conversion. The materials are to be retained as existing whilst maintaining the core design of the existing building. The front elevation which is the most prominent in the street scene will remain unchanged. The external changes are to the rear which is not as prominent. The introduction of a Juliet balcony and external staircase are not deemed to be a significantly detrimental change to the outside of the property therefore the visual amenity of the street scene is not expected to be compromised as these works are to the rear. The proposal is therefore acceptable in terms of visual amenity and impact upon the street scene in accordance with policy D1 of the Local Plan. This weighs significantly in favour of the proposal.

### Highways Safety

There will be no impact upon highway safety. Highways DC raised no objections to the application from a highways point of view. The parking requirements for an apartment with two bedrooms is one space and given that there is existing provision for the previous use, this is sufficient and can be utilised to provide that. Furthermore, the location is sustainable with links to public transport. It is therefore considered that the proposals do not adversely impact upon the highway and are acceptable from a highways perspective. This weighs significantly in favour of the proposal.

### Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to necessary conditions. Under the provisions of the NPPF, the application is considered to be a sustainable form of development and is therefore recommended for approval.

### **Recommendation**

Approve subject to conditions

### **Justification**

#### **STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- Alterations to balcony to remove external projection

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.