2022/1225

O'Connor

4 St Pauls Way, Pilley, Barnsley, S75 3FH

Conversion of garage into play room and erection of a single storey side extension to dwellinghouse

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Site Description

The dwelling is a two-storey detached dwelling located in Pilley. St Pauls Way has a consistent residential street scene featuring other detached dwellings with differing materials on fronts onto New Road. The dwelling has a driveway to the side which leads to an existing detached garage.



Planning History

2013/1007 - Residential development for up to 41 dwellings including means of access (Outline) (Approved Subject to Legal Agreement)

2016/0952 - Variation of condition 3 of outline planning application 2013/1007 (residential development of up to 41 dwellings including means of access) to increase the maximum number of residential properties to 56 units details of which shall be submitted as part (Approve with Conditions)

2016/1027 - Reserved matters of application 2013/1007 'Residential development for 56 dwellings including means of access (Outline)', as amended by application 2016/0952 (Approve with Conditions)

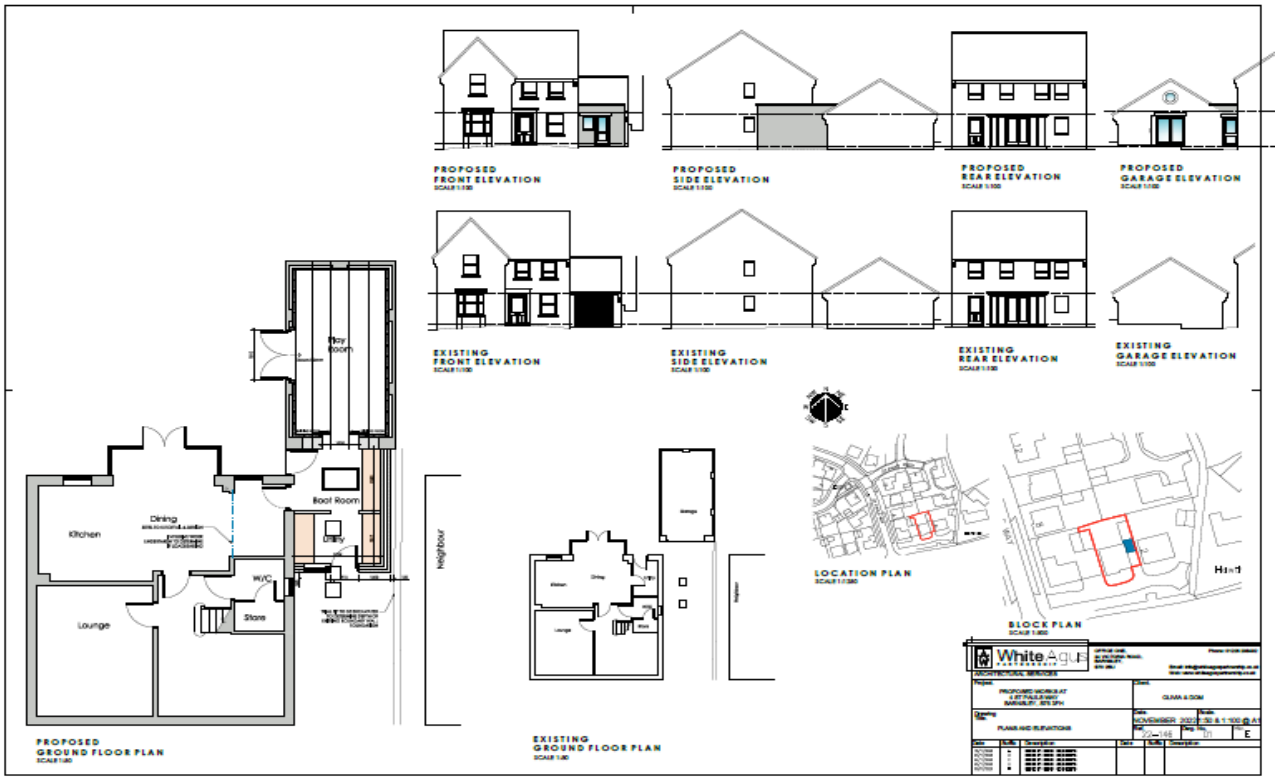
2017/0438 - Application for the approval of the details of conditions 7, 9, 10, 13, 16, 17, 18, 19, 21 of outline planning permission 2016/0952 reserved by condition - development of 58 dwellings (Approve)

2017/0439 - Application for the approval of the details of conditions 4 and 6 of reserved matters application 2016/1027 reserved by condition - Development for 56 dwellings (Approve)

2017/1113 - Reserved Matters application of 2016/0952 - Residential development of 56 dwellinghouses and access (Amended Plans) (Approve with Conditions)

2017/1341 - Discharge of conditions 15 (travel plan) and 20 (landscaping) of 2016/0952 - Development of 56 dwellings (Approve)

Proposed Development



The applicant is seeking approval for the erection of a single storey side/rear extension. The extension will project 3 meters from the side (northeast) elevation of the dwelling with an additional 1-meter rear projection. The extension has a width of 4.45 meters. The extension will feature a flat roof with a total height of 3.05 meters. The materials used will be matching brickwork with a parapet roof. The proposal also features the conversion of an existing garage.

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 – 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.

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 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

Tankersley Parish Council were consulted and provided no response.

Representations

Neighbour notification letters were sent to surrounding properties, one comment was received and in summary raised the following points;

- Our main concern is the placement of roof rights on the front elevation of the garage. The plans indicate 3 roof lights. Our house sits approx. 1.5 meters above the ground level of the proposed development and the garage in question is set back within the No. 4's plot and as a result sits directly in view from our primary bedroom. Any roof lights in this location would be clearly visible, being at a similar level to our first-floor bedroom windows.

- We presume that the roof lights would likely be openable and could create a potential noise issue as well as light spillage at night with light shining straight into our bedroom. We would ask you to omit any approval of lights in this elevation. We believe that roof lights could be accommodated to the rear of the garage roof. This possible solution would have a lesser impact on other properties due to their greater proximity from the garage.

- As mentioned above, our house sits approximately 1.5 metres above the ground level of No. 4. Our house is supported by a retaining wall, and we have concerns that the proposed extension sits directly adjacent our retaining wall. We believe that any works to be carried out would need comply with party wall legislation and we would want to ensure that any planning consent given takes this into account so that any impact on our wall is taken into account before works commenced in order to ensure there are no adverse impacts on the structural integrity of our house.

- Finally, the applicant's property is accessed via a private (unadopted) drive which is shared with ourselves and one other owner, for which we are all jointly responsible for repairing and maintaining. We would wish to ensure that as a condition of any planning consent a Construction Management Plan is submitted as part of the works to ensure any damage to the drive as a result of construction works is the responsibility of the applicant and that access is maintained at all times.

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.

Visual Amenity

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 proposed materials will match the existing dwelling with matching brickwork being used. The extension utilises a flat roof which although is not a supported roof type due to flat roofs being an inferior form of construction is acceptable in this circumstance because the side extension without the extra rear projection could be erected using permitted development rights. The sideways projection of the extension is less than half that of the original dwelling and the eaves height is less than 3 meters with the total height less than 4 meters. Therefore, the flat roof could be erected out of the control of the LPA.

Additionally, the roof will not be highly visible in the street scene as although located on the frontage of the street, due to the positioning of the host dwelling and the neighbouring dwelling (2 St Pauls Way) it is screened from viewpoints other than directly in front of the extension. The extension is also significantly setback from the front elevation of the dwelling which aids in its screening.

The proposed extension partially conforms to the SPD in terms of its external materials and roof type, however it will have little impact upon the character of the street scene due to its screening and it could partially be erected using permitted development rights. 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 SPD states that single storey side extensions "*should not have an excessive sideways projection (i.e. more than two thirds the width of the original dwelling)"*. The proposed projection is to be 3 meters which is less than two thirds the width of the original dwelling therefore, the proposed projection is acceptable. The proposed side extension will not have a significant detrimental impact on any neighbouring property by way of overshadowing or being overbearing. In terms of overlooking the proposed roof lights on the front of the garage have been omitted therefore reducing the impact. The proposal is considered to be in compliance with Local Plan Policy GD1: General Development and is acceptable in terms of residential amenity.

Highway Safety

There will be no impact upon highway safety. The proposal will lead to the loss of parking spaces for the dwelling however, the garage conversion and the side extension without the extra rear projection could be achieved using permitted development rights. Therefore, if these aspects were implemented initially the dwelling would only have one parking space with the loss of other spaces unable to be controlled. Given the fallback position of this it is not deemed viable to refuse the application for a loss of parking spaces that could be lost out of the control of the LPA. Additionally, there is space on the private shared drive for the parking of a vehicle adjacent the host dwelling that would not result in an obstruction of the drive.

Other Issues

Concerns have been raised in relation to construction works. As this is a householder planning application there is no requirement for the applicant to provide a construction method statement. Paragraph 184 of the NPPF states that *"where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner"*. It is also noted that a party wall agreement may need to be reached which is not affected by the decision on this planning application. Also building regulations approval would be required. Furthermore, The Coal Authority advice has been provided due to the development being in a high-risk development area.

Recommendation

Approve with conditions