

2023/0762

Mrs Lisa Evans

Demolition of existing dwelling and erection of two dwellings and associated works.

315 Dodworth Road, Barnsley, S70 6PN

Site Location and Description

The application relates to a detached, flat roofed, brick built bungalow fronting Dodworth Road. The site sits between junction 37 of the M1 to the east and Penny Pie Park Gyratory to the East. To the front and side of the dwelling is a parking and turning area with vehicular access taken directly from Dodworth Road which leads to an attached garage to the Eastern elevation of the dwelling. To the rear of the dwelling is an enclosed garden area mainly laid to grass. To the rear of the garden area is a detached outbuilding, with associated parking and turning, which was previously a garage but has recently been converted to an annex associated with the host dwelling approved under applications 2020/1228 and 2021/0086. The annex is accessed via an access track running along the Eastern boundary of the property.

The immediate area is predominantly residential in nature with a detached dormer bungalow to the West and a pair of semi-detached, hipped roofed, 2 storey dwellings, beyond the access track, to the East. Opposite the site is a mixture of single storey and 2 storey detached and semi detached dwellings. Beyond the rear boundary is a field, owned by the applicant, a tree belt and railway line.



Site History

05/1154 - Demolition of 315 & 317 Dodworth Road and erection of 4 no. detached dwellings with new access road (Outline) - refuse

2015/0199 - Erection of 5 no. dwellings including demolition of existing property – Refuse

2020/0924 - Conversion of existing garage into residential annex (Certificate of Lawfulness) – withdrawn

2020/1228 - Conversion of existing detached garage into residential annex – Approve

2021/0008 - Discharge of conditions 5 (boundary treatments), 6 (landscaping) & 8 (parking/manoeuvring facilities) of 2020/1228 - Conversion of existing detached garage into residential annex – approve

2021/0086 - Front porch to residential annex – approve

2022/0743 - Demolition of existing bungalow and erection of 6no bedroom two and a half storey detached dwellinghouse and associated works including erection of a front boundary wall and entrance and exit gates as part of reconfigured access and parking arrangements



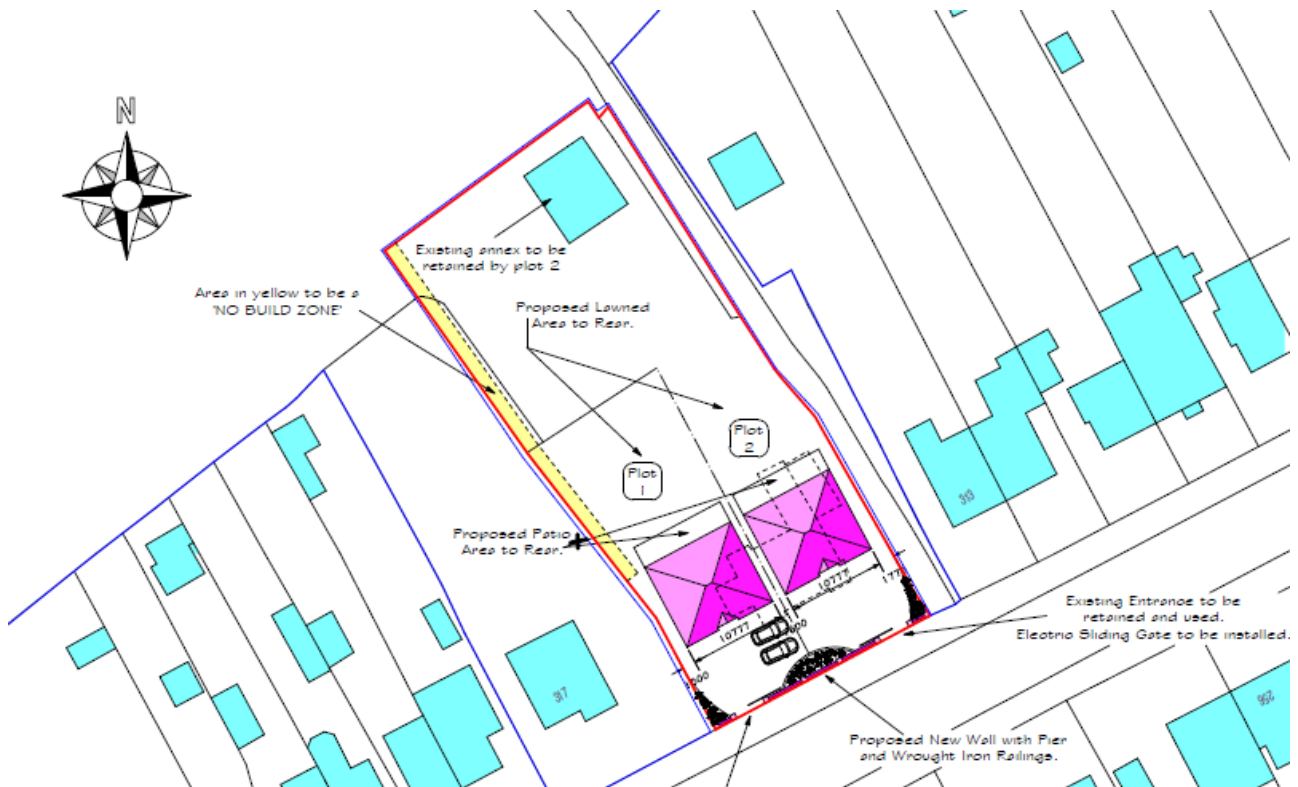
Refused for the following reasons;

In the opinion of the Local Planning Authority the proposed replacement dwelling would be contrary to Local Plan Policy D1 and SPD 'Design of Housing Development' in that its excessive scale, height and design would be out of character with the streetscene and development pattern of the area and would be materially harmful to the visual amenities of the locality in a highly prominent gateway location (the A628 Dodworth Road being the main road between Barnsley Town Centre and M1 Junction 37). Furthermore, the replacement of the existing single storey flat roofed dwelling with a 6 bedroomed 2.5 storey property would constitute a highly incongruous and injurious form of over-development of the site that would be out of scale with its surroundings .

Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards, however, an adequate Coal Mining Risk Assessment has not been submitted alongside the application, therefore, the applicant has not demonstrated that the site is safe, stable and suitable for development, contrary to Local Plan Policy CL1 'Contaminated and Unstable Land' and NPPF paragraphs 183 and 184.

Proposed Development

Following the refusal of application 2022/0743, for the demolition of the existing bungalow and the erection of a large, 2.5 storey detached dwelling, the applicant now seeks permission to demolish the existing property and replace it with 2no. smaller 2 storey detached dwellings. The dwellings would have parking to the front, utilising one existing access points off Dodworth Road and the creation of another, and private gardens to the rear. As the existing annex to the rear of the property is tied to the existing dwelling, in that it can't be used as an independent dwelling, then it is proposed to be tied to plot 2 in the same way.



Street Scene to Dodworth Road as Proposed.



Policy Context

The site is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy H1 The Number of New Homes to be Built

Policy H4 Residential Development on Small Non-Allocated sites

Policy H9 Protection of Existing Larger Dwellings

Policy T4 New development and Transport Safety

Policy SD1 Presumption in favour of Sustainable Development

Policy LG2 The Location of Growth

Policy GD1 General Development

Policy D1 High Quality Design and Place Making.

Policy Poll1 Pollution Control and Protection

Policy BIO1 Biodiversity and Geodiversity

Policy CC1 Climate Change

Policy CC2 Sustainable Design and Construction

Policy CL1 'Contaminated and Unstable Land'

SPD's

Those of relevance to this application are as follows:

- Designing of housing Development
- Parking

Other

South Yorkshire Residential Design Guide

NPPF

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise.

Paragraphs of particular relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 96 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 115 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 131 - The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. 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.

Consultations

Drainage – no objections, details to be checked by drainage

Highways – No objections subject to conditions

SYMAS – initially requested a condition for further details to be submitted prior to commencement, however, following receipt of additional information and reports they have now withdrawn the request for a condition and have no objections.

The Coal Authority – Initially objected but following the receipt of additional information and reports they now have no objections subject to conditions and informatives.

Ward Members – No comments

Representations

A site notice was erected on Dodworth Road and 11 neighbouring properties were sent notification letters. No objections have been received.

Assessment

Principle of Development

The site is allocated as Urban Fabric within the Local Plan. Local Plan policy H4 'Residential Development on small Non-allocated sites' states 'proposals for residential development on sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies within the plan.

Policy H9 'Protection of Existing Larger Dwellings' states that the loss of existing larger dwellings will be resisted. The existing property on the site could qualify as an existing larger home and the applicants seek permission to demolish that property. However, policy H9 aims to avoid the loss of larger homes from the housing stock. This application would see the loss of 1no. larger home, which arguably has limited appeal due to its design and appearance, and would be replaced by 2no. larger homes which both have 4no. bedrooms and would likely be more appealing to the family market. In this case the proposal would be adding to the larger homes stock rather than depleting it, as such, the development would not be contrary to the intentions of policy H9.

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 traffic problems or prejudice the possible future development of a larger area of land.

The merit of the proposed scheme is assessed under the headings below;

Residential Amenity

The existing dwelling is single storey and sits within the site away from the boundaries. The proposal is to demolish this dwelling and replace it with 2no. detached, 2 storey dwellings. These dwellings would be closer to the boundaries with the neighbouring dwellings and would have a greater height than the dwelling they replace. However, the building line of the proposed dwellings would reflect that of the neighbouring properties and number 37, to the West, is set in from the

boundary and number 33, to the East, is separated from the site by an access track and is built on a higher level. As such, the proposed dwellings would not significantly increase overshadowing or result in overbearing features.

There are some habitable room windows proposed on the ground floor side elevations facing the neighbouring properties and associated boundaries, however, the boundary treatments would mitigate overlooking. There are habitable room windows at first floor level but plot 1 windows would face plot 2 and vice versa. The first floor windows facing the existing neighbouring properties would only serve non-habitable room windows.

The majority of the habitable room windows are proposed on the front and rear elevations of the dwellings. These windows meet or exceed the required separation distances set out in SPD 'Design of Housing Development', as such, privacy levels for existing residents and those of the proposed dwellings would be to a reasonable degree.

The internal space within the proposed dwellings meets or exceeds the requirements of the South Yorkshire Residential Design Guide and the garden areas exceed the 60m² requirement set out in the SPD.

In terms of the annex, it should be noted that it must remain incidental to the application property and is conditioned as such under application number 2020/1228;

The additional residential accommodation hereby approved shall be used incidentally to and in association with the existing dwelling house (315 Dodworth Road, Barnsley, S70 6PN) and shall at no time be severed therefrom to form a separate residential unit.

Reason: In the interests of the residential amenity enjoyed by residents, in accordance with Local Plan Policy GD1: General Development.

As the application property is to be demolished and it is still the case that the annex cannot be an independent residential unit, it is proposed that the annex would be tied to plot 2 and would form one residential i.e. the annex would be within the curtilage of plot 2 and could not be rented or sold separately to that plot.

Visual Amenity

It is acknowledged that the existing flat roofed bungalow has limited architectural merit as it stands and differs in design compared to the majority of the properties along Dodworth Road. As such, there is limited defence for its retention.

The previous application to demolish the existing dwelling and redevelop with a large single dwelling would have resulted in its excessive scale, height and design being out of character with the streetscene and development pattern of the area, which would have been materially harmful to the visual amenities of the locality in a highly prominent gateway location.

However, the current proposal is for 2no. 2 storey detached dwellings which are more in keeping with the scale and development pattern of the area. The dwellings would be set back from the highway to allow for parking and gardens to the front and would have a building line reflective of the immediately adjacent buildings.

The design of the dwellings is a simple double fronted layout with a central entrance and gable. The design would sit comfortably amongst the existing housing stock and would retain the rhythm and character of the streetscene. As such, the visual amenity of the area, and the prominent gateway into Barnsley town centre, would be maintained in accordance with Local Plan Policy D1.

Highway Safety

The development includes the creation of a new access from the A628 Dodworth Road to serve one of the new dwellings, with the second dwelling being served by the existing site access.

Electric sliding gates are proposed at both access points and both appear to have sufficient width to provide the required 2m x 2m pedestrian visibility splays.

The proposed layout includes adequate parking and turning provision within the site, in accordance with SPD's 'Design of Housing Development' and 'Parking'.

There are many residential vehicular access points within the vicinity of the site to both sides of the road, a small number of which have gates and many of which have no turning provision, a review of the personal injury accident data for the last 5 year period reveals no accident problems along this stretch of the highway network and indeed no accidents are recorded during the last 3 years along a 400m length from the Junction 37 roundabout past the site to the A628 junction with the A6133.

Although the proposed development for the erection of two dwellings is relatively small, the proposals also include the demolition of a dwelling; taking into consideration the close proximity of the site to Junction 37 of the M1 and its position on such a strategic part of the highway network along with the presence of a Traffic Regulation Order along the site frontage, it will be necessary, through a planning condition, to submit a Demolition and Construction Management Plan.

In view of the above, Highways DM have not raised an objection, subject to suitable worded conditions and the proposals are considered to have minimal highway implications.

Coal Mining

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable shallow coal mine workings. Records also indicate the presence of one recorded mine entry (shaft) within, or within 20m of the planning boundary.

The applicant did submit mining legacy information initially, however, the Coal Authority objected to the application and SYMAS requested additional ground investigation works due to a lack of information. However, the applicant subsequently submitted additional information and reports and SYMAS and the Coal Authority were reconsulted.

The application is now accompanied by a supplementary letter dated 7th October 2024, prepared by Mr Andrew Swinbourne of G&M Consulting which presents the findings of an additional 2nd phase of investigation to identify the recorded mine shaft. This entailed the excavation of trenches onto the underlying natural subsoils to assess for any evidence of ground disturbance associated with such a feature. The report notes no ground disturbance.

As such the report author concludes that *"If it is assumed that the possible mine entry is located off site, but on the western boundary (worst case scenario), based on the findings of the intrusive borehole investigation, which indicates the boundary between the superficial soils and the underlying competent sandstone bedrock at a maximum depth of 1.3 m bgl, would indicate a potential collapse zone of 1.3 m extending onto the site"* This is shown on plan reference 23-03D Ref: EVANS.

The report author goes on to confirm that *"the proposed new builds are considerably further away from the western boundary than this distance. It is recommended that no further development encroaches within this distance of the western boundary."* The report author does also go on to comment that given that the site is within a historical mining legacy area, suitably designed reinforced foundations are incorporated with the proposed development to mitigate any coal mining derived surface movement.

As a result of the above, the Coal Authority and SYMAS have no objection to the proposal subject to suitably worded conditions and informatives.

Summary

Taking into account the relevant development plan policies and other material considerations the application is in accordance with the development plan (most notably policies H1, H4, H9, GD1, D1, BIO1 & Poll 1) and the relevant SPD's, including Designing Housing Development and Parking, and is assessed to be a suitable form of development. The application is also considered acceptable in relation to the other considerations set out in the assessment section of the report including visual Amenity, residential amenity, highways matters, and mining legacy subject to appropriately worded conditions.

Based upon the above the proposals are in compliance with the development plan meaning that the presumption in favour of sustainable development set out in Local Plan policy SD1 and in paragraph 11 is considered to apply. In such circumstances proposals that accord with an up to date development plan should be approved without delay.

As such the scheme is considered to accord with policies and guidelines and is recommended for approval.

Recommendation

Approve subject to conditions.