

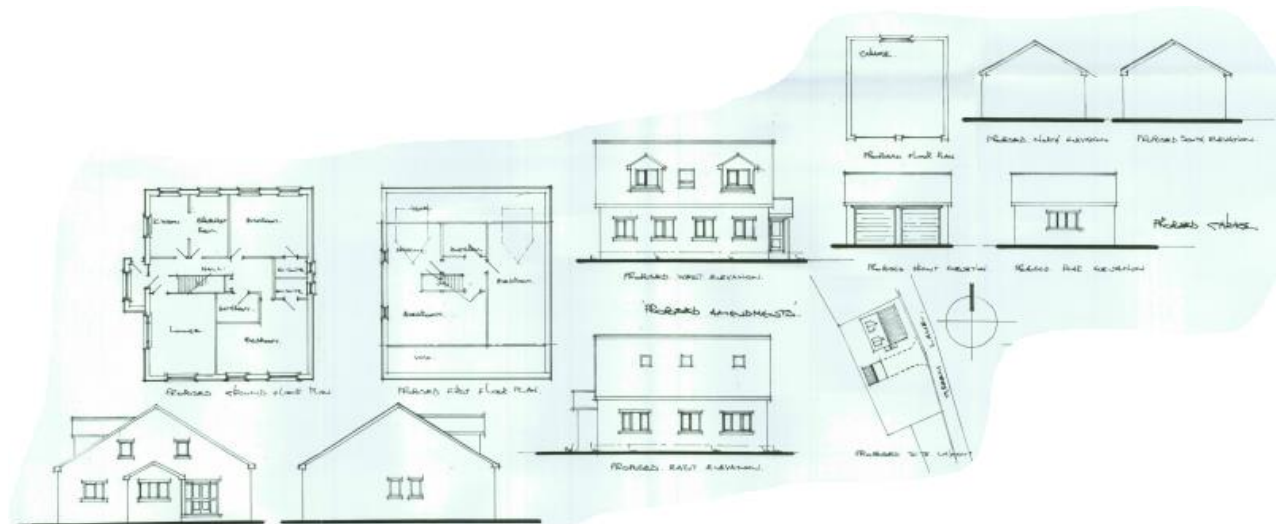
2010/0117 - Erection of 1 no. detached bungalow – approved subject to conditions



2010/1201 - Erection of 1 no. detached bungalow (Resubmission) – Refused



2022/0738 - Retention of 'as built' chalet bungalow dwelling, installation of two new dormer windows on west facing elevation and the erection of a detached double garage (Part Retrospective)
– Approved



2022/1281 - Erection of 1no. detached dormer bungalow with a detached single garage – refused for the following reasons;



In the opinion of the Local Planning Authority the proposed development would be contrary to Local Plan Policy H9 'Protection of Existing Larger Dwellings' in that the proposed dwelling would have an adverse impact on the setting of the original larger dwelling and the size of the remaining garden area. Furthermore, the proposal represents an undesirable form of infill development which, given the shallow depth of the site and close proximity of the neighbouring dwelling and garage, would not reflect the immediate prevailing settlement pattern of the area and appear overdevelopment of the site to the detriment of the visual amenity of the streetscene, contrary to Local Plan Policy D1.

The South Yorkshire Residential Design Guide states that unadopted shared private drives may give access up to a maximum of 5 dwellings. However, the proposed dwelling would result in excess of this number of dwellings accessed from a private drive and, as such, the proposal would be contrary to the technical design requirements outlined above. Green Lane is also substandard in terms of surfacing and drainage, a situation which would be worsened by an increase in vehicular movements. Furthermore, visibility at the Green Lane Junction with Tankersley Lane is also substandard as the required sight line of 2.4m x 43m cannot be achieved in the critical direction to the right (East) without encroaching across land outside of the control of the applicant. As such, the development is contrary to Local Plan Policy T4 'New development and Transport Safety' and the Supplementary Planning Document 'Design of Housing Development'. In addition, the residents of the proposed dwelling would also have to move their bins in excess of 60m to the adopted highway for collection which is double the maximum distance of 30m set out in Approved Document H of the building regulations, contrary to Local Plan Policy GD1 'General Development'.

In the opinion of the Local Planning Authority the proposed development would be contrary to Local Plan Policy GD1 'General Development' in that the position of the existing dwelling and the proposed dwelling, together with the orientation of their associated habitable room windows, would result in excessive overlooking and loss of privacy to the detriment of residential amenity. Furthermore, given the shallow depth of the proposed/remaining garden areas and the proximity of the rear habitable

room windows to the rear boundaries, the existing/future residents of the existing and proposed dwellings would be subject to substandard levels of residential amenity.

Proposed Development

The applicants seek full planning permission for a detached 3 bedroom bungalow and associated garage. Since the previous refusal the applicants have changed architects and revised the design and layout of the dwelling. The bungalow would accommodate an open plan kitchen/diner, living room, study, bedroom and shower room on the ground floor with 2no. bedrooms and a bathroom on the first floor. A detached double garage with associated driveway to the front is proposed to the North of the dwelling which would be shared with no. 31 Green Lane. The dwelling would have a small garden area to the front and an enclosed garden to the rear.



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 held 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.

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

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 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

SPD's

Those of relevance to this application are as follows:

- House Extensions and Other Domestic alteration
- 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. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or 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 subject to conditions

Highways – Object – the development would lead to more than 5 dwellings off a private drive.

Tankersley Parish Council – No comments

Ward Cllrs – No comments

Representations

9 notification letters were sent to neighbouring properties and a site notice was erected within the immediate area. No letters of objection have been received.

Assessment

Principle of development

The site is located within Hoyland Principal town boundary and close to the amenities within Hoyland Common. The significance of this is that it is a priority location to accommodate growth and new residential development in spatial and sustainable development terms making it compliant with policies LG2 and H2. It should also be noted that the site adjoins a housing allocation which has been granted permission for 113 dwellings which demonstrates the area is suitable for residential development.

Local Plan Policy H4 'Residential Development on Small Non-allocated Sites' states that proposals for residential development on sites below 0.4Ha will be allowed where the proposal complies with other relevant policies in the plan. These sites make a valuable contribution to the housing supply. Sites in towns and villages can offer good opportunities for providing houses where other people already live, near to shops and services. Developing these sites also reduces the need to provide new sites outside settlement boundaries. We will allow small scale residential development within towns and villages in line with other plan policies, including those protecting people's living conditions, road safety and design.

However, it should be noted that section B.1.1.9 of the South Yorkshire Residential Design Guide states that shared private drives are unadopted and may give access up to a maximum of 5 dwellings. Green Lane is a shared private drive and it is evident it already serves that number of properties, as such, additional dwellings would be contrary to the South Yorkshire Residential Design Guide.

As the proposed dwelling would be in the garden area of an existing larger dwelling (one which contains 4/5 bedrooms or could accommodate that number of bedrooms without significant adaption) Local Plan Policy H9 'Protection of Existing Larger Dwellings' is relevant. This policy states that development within the curtilage of existing larger dwellings will be resisted where it will have an adverse impact on the setting of the original dwelling, and the side of the remaining garden area. The Government has changed the designation of garden areas from 'brownfield land' to 'greenfield land', in an attempt to resist development of additional houses within the curtilage of larger homes, known as 'garden grabbing', as this has also had an adverse impact on larger housing stock. Often additional dwellings have been built within their curtilage, resulting in an adverse impact on the original dwelling.

In addition to the above all new dwellings 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. Furthermore, development will only be granted where it would maintain visual amenity and not create traffic problems/reduce highway safety.

It should also be noted that a previous application for a dormer bungalow on the site was refused under the currently adopted policies and guidelines. It is noted that the applicants have amended the design, layout and positioning of the dwelling to address reason for refusal 3 (residential amenity) on application 2022/1281. However, reasons for refusal 1 (policy H9) and reason for refusal 2 (highway safety issues) still apply and have not been addressed for the reasons set out under the headings below, as such, the principle of the development is still unacceptable.

Residential amenity

As outlined above, since the previous refusal, the layout of the dwelling has been amended so that the vast majority of the habitable room windows are either on the front elevation, facing Green Lane and the field beyond, or the rear elevation, facing the rear garden area and Olympus Way beyond. As such, the previous concerns regarding privacy set out in reason for refusal 3 have been addressed. The depth and positioning of the dwelling have also been amended to increase the depth of the garden area which also addresses the other concerns in reason for refusal 3.

The internal rooms of the proposed dwelling also meet or exceed the requirements of the South Yorkshire Residential Design Guide and the garden area exceeds 60m².

As set out in reason for refusal 1 of application 2022/1281, Policy H9 states that that development within the curtilage of existing larger dwellings will be resisted where it will have an adverse impact on the setting of the original dwelling, and the side of the remaining garden area. In this case, as with the previous application, the garden area of the original dwelling will be reduced by circa 335m² leaving the residents with circa 95m² of private garden area. This is a significant reduction and the garden would only have a modest depth compared to its width. Furthermore, the garden would be West facing rather than the existing South facing garden. As a result, the proposed development would have an adverse impact on the size of the remaining garden, to the detriment of the residents and contrary to Local Plan Policies H9 and GD1, and reason for refusal 1 has not been addressed as part of this application.

Visual Amenity

As with the previously refused scheme, by building a dwelling within the garden of the existing property, in such close proximity, and, with limited garden space and depth to the rear it would adversely affect the setting of the original family dwelling which had a more open appearance, befitting of the surroundings to the East, South and West. As such, the proposal would constitute overdevelopment and conflict with policies H9 and D1 to the detriment of visual amenity, again not addressing the concerns set out in reason for refusal 1.

Highway Safety

Reason for refusal 2 of application 2022/1281 was clear regarding access to the site and highway safety. The applicants have tried to argue that the existing and proposed dwelling would share a single access rather than 2 separate accesses, however, it is the number of dwellings served by the substandard private road that is the concern, not the number of access points off it.

The site is located to the rear of 31 Tankersley Lane with access being gained off Green Lane, an unadopted unmade and rural lane bounded by stone walling with no footways or street lighting which is subject to a 30mph limit.

Green Lane is classed as a private drive, as such, as stated in the South Yorkshire Residential Design Guide section B.1.1.9, a maximum of 5 dwellings can be served off a private drive and it is evident that Green Lane already serves this number and is therefore unsuitable to accommodate any additional development.

With regard to refuse collection, it is proposed for residents to move their bins from the proposed dwelling to the Green Lane junction with Tankersley Lane for collection. This means that residents would be expected to move their bins a distance circa 60m, double the recommended maximum distance of 30m set out in Approved Document H of the Building Regulations and is therefore unacceptable. It is noted that a bin store is proposed to the front of number 31 which is closer to the highway, however, it is not adjacent to the adopted highway which is where the bins would be collected from.

Green Lane is substandard in terms of surfacing and drainage, loose materials can already be seen to have migrated onto the public highway, a situation that would only be worsened by an increase in vehicular movements.

Visibility at the Green Lane junction with Tankersley Lane is also substandard, the required sight line of 2.4m x 43m cannot be achieved in the critical direction to the right (East) without encroaching across land outside the control of the applicant; the achievable distance is only around 15m.

The applicants state that the neighbouring property at Green Lane Farm is utilising the access to serve a scrap yard business and their proposals would not significantly increase traffic, however, there is no permission evident for such commercial use at the neighbouring property which will be investigated separately.

In view of all of the above and the fact that the access is the same as that previously refused, the proposals are considered unacceptable from a highways development control perspective as they are viewed as being prejudicial to highway safety contrary to Local Plan Policy T4 New development and Transport Safety.

Conclusion

Despite amendments to the scheme the proposed development still does not address 2 of the previous reasons for refusal associated with planning application 2022/1281.

The proposed development would be contrary to Local Plan Policy H9 'Protection of Existing Larger Dwellings' in that the proposed dwelling would have an adverse impact on the setting of the original larger dwelling and the size of the remaining garden area. Furthermore, the proposal represents an undesirable form of infill development which, given the shallow depth of the site and close proximity of the dwellings and garages, would not reflect the immediate prevailing settlement pattern of the area.

The South Yorkshire Residential Design Guide states that unadopted shared private drives may give access up to a maximum of 5 dwellings. However, the proposed dwelling would result in excess of this number of dwellings accessed from a private drive and, as such, the proposal would be contrary to the technical design requirements outlined above, as well as Local Plan Policy T4 'New development and Transport Safety'.

Given the comments above, the proposal is recommended for refusal for the reasons set out below;

Recommendation

Refuse