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**2017/1218**

**Applicant:** Mr Gordon Bird, C/o Peter Thompson

**Description:** Erection of detached bungalow (Outline with all matters reserved)

**Site Address:** Land to the rear of 309 Dodworth Road, Barnsley, S70 6PN

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The application has been referred to the Planning Regulatory Board for determination by Cllr Riggs. 2 representations have been received from local residents, although 1 of the representations was withdrawn after the resident became aware of the applicants supporting reasons.

### **Site Description**

309 Dodworth is a semi detached two storey house, which is situated on the heavily trafficked A628 located between Junction 37 of the M1 and the Town Centre. The application site currently forms the rear garden belonging to the property, which is located to the north of the house measuring approximately 405m<sup>2</sup>. Currently it is mainly laid to lawn and enclosed by mature hedging/planting to three sides.

### **Proposed Development**

The applicant seeks outline permission with all matters reserved to erect a detached bungalow in a tandem, rear garden location behind the existing house. The indicative plan shows that access arrangements would be shared with the existing two storey-semi detached house. This driveway would be then be extended to the land to the rear of the property to include provision of parking and a turning head. An existing garage located at the side/rear of the house would be demolished to make way for an extended length private driveway, which would be built adjacent the boundary with No.311 Dodworth Road.

The applicant has submitted a supporting letter which states that the development is intended to be occupied by their disabled daughter who has been informed by medical professionals that she needs to live in a bungalow with all the requirements for a disabled person.

### **Policy Context**

Planning decision 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 development plan consists of the Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced a Consultation Draft of the Local Plan, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

### Saved UDP Policies

Policy H8 (Existing Residential Areas) – Areas defined on the proposals map as Housing Policy Areas will remain predominantly in residential use.

H8A – The scale, layout, height and design of all new dwellings proposed within the existing residential areas must ensure that the 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, landscaping and access arrangements.

H8D – Planning permission for infill, backland or tandem development involving single or a small number of dwellings within existing residential areas will only be granted where development would not result in harm to the local environment or the amenities of existing residents, create traffic problems or prejudice the possible future development of a larger area of land.

### Core Strategy

CSP 4 'Flood Risk' The extent and impact of flooding will be reduced by expecting all development proposals on brownfield sites to reduce surface water run-off by at least 30%.

CSP 26 – New Development and Highway Improvement – New development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

CSP29 – Design – High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley. Development should enable people to gain access safely and conveniently.

### SPDs/SPGs

SPD 'Designing New Housing Development'

SPD 'Parking' provides parking requirements for all types of development.

### Other material considerations

South Yorkshire Residential Design Guide - 2011

### NPPF

The National Planning Policy Framework 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.

In respect of this application, the policies above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 58 (general design considerations) and paragraph 64, which states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Paragraph 53 also states that LPAs should consider the case for setting out policies to resist inappropriate development of residential gardens.

## Consultations

Highways DC – Object as the applicant’s plans have failed to demonstrate provision of adequate manoeuvring facilities to provide reassurance that vehicles can enter and leave the site in a forward gear. Reversing manoeuvres onto the highway would not be acceptable due to Dodworth Road being a heavily trafficked classified road. In addition the proposed access is not wide enough to accommodate two way traffic flows to serve both the existing and proposed dwellings. Use of both accesses at the same time would result in vehicles stopping and disrupting the flow of traffic on Dodworth Road. An adequate means of access for the development has therefore not been demonstrated.

Drainage (Wayne Atkins) – No objections

SYMAS – No objections subject to conditions

Coal Authority – Object as the application is not accompanied by a Coal Mining Risk Assessment to demonstrate that the development would not be at risk of shallow coal workings.

Ward Councillors – Cllr Riggs has requested that the application is determined by the Board due to the applicants personal circumstances.

## Representations

Neighbour notification letters were sent to surrounding residents and a site notice posted adjacent to the site. The objection raises concerns that the development would take away the tranquillity associated with the rear gardens of the existing houses on Dodworth Road, replacing greenery for bricks and mortar. In addition the residents are concerned that the development would set a precedent for allowing further dwellings in back garden locations in this area. Another objection letter was received, however this objection was subsequently withdrawn after they became away of the applicants supporting reasons.

## Assessment

### Principle of Development

Saved UDP policies H8A and H8D and Core Strategy policies CSP 26 and 29 provide the policy framework for assessing backland and tandem developments. These policies are reinforced further by guidance provided within Supplementary Planning Guidance Document ‘Designing New Housing Development’, which states *‘tandem development, with one dwelling directly in front or behind another sharing the same access will almost always be resisted’*, and the South Yorkshire Residential Design Guide. The National Planning Policy Framework is supportive of many of these policy aims and states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Backland developments are not without controversy and the Council has in recent times sought to ensure a more consistent approach is applied to such proposals. This approach has been supported by the Planning Inspectorate on many occasions whereby the Council’s decision to refuse inappropriate developments has been upheld in recent planning appeals. Concerns are that isolated dwellings in backland developments take away the tranquillity of rear garden locations and undermine local character. In addition they represent a contrived form of development which do not contribute to the street scene and usually involved a forced access arrangement which is forged in a gap between two existing houses. To allow such proposals can also make it harder for the Council to resist further similar proposals in

future which in turn can progressively erode an areas character. This proposal falls foul of this list of concerns.

The sensitivity of the personal circumstances have been considered by Officers. However the reality is that as this is a proposal for a separate independent dwelling the Council would have no control over future occupancy beyond the planning application decision date. In the circumstances therefore the proposal should have taken the form of an annex that remains subsidiary accommodation linked to the main existing house.

### Residential Amenity

Whilst the application is in outline form an indicative plan has been provided which indicates that a dwelling can be situated within the site that meets the requisite separation distances between facing habitable room windows and blank gable walls. I am therefore satisfied therefore that a development could be designed at reserved matters stage which would not give rise to overlooking or overshadowing.

Nevertheless, the proposed development would result in a long private drive running between 309 and 311 Dodworth Road. There would be noise and disturbance arising from the use of such a private drive and the associated manoeuvring areas, which could be exacerbated by driveway's inability for two way traffic to enter and exit the highway. As such is considered unacceptable in terms of residential amenity in noise and disturbance terms. This type of concern as a reason for refusal is usually supported by Planning Inspectors at appeal.

### Visual Amenity

The area is predominantly residential characterised by two storey semi detached dwellings occupying long, narrow rear gardens. The development would introduce an isolated form of backland and tandem development which is out of character with the existing pattern of development in the area.

### Highway Safety

As mentioned previously the application is at outline stage with all matters reserved including means of access. Indicative plans have been submitted. However these have failed to demonstrate that the on site manoeuvring areas would be inadequate to ensure that vehicles would enter and leave the site in a forward gear. Reversing manoeuvres would not be acceptable given that Dodworth Road is a heavily trafficked, classified road (A628) performing a strategic function on the local road network leading to/from the M1 motorway junction 37.

In addition the proposed access is not wide enough to accommodate two way traffic flows to serve both the existing and proposed dwellings. Use of both accesses at the same time therefore would result in vehicles stopping and disrupting the flow of traffic on Dodworth Road.

In these circumstances, it is difficult to understand how another dwelling can be accommodated within the proposed red line boundary whilst being able to function safely in highway terms and provide adequate manoeuvring for the existing property. It is, therefore, considered that the proposed development is not acceptable and would be detrimental to the free and safe flow of traffic on the A628 Dodworth Road, which is essential as it forms part of the strategic highway network.

It is therefore considered that the proposed development would have an adverse impact on the surrounding highway network and would be detrimental to the free and safe flow of traffic on the highway contrary to CS Policy CSP26, UDP Policies H8A and H8D and the relevant planning policy statements in the NPPF in respect of highway safety.

### Summary

Supplementary Planning Guidance Document 'Designing New Housing Development', states 'tandem development, with one dwelling directly in front or behind another sharing the same access will almost always be resisted'.

In the opinion of the Local Planning Authority, the proposal dwelling would not reflect the development pattern of the area and would not integrate well within the immediate surroundings, to the detriment of the overall character and layout, resulting in a cramped 'ad-hoc' form of development. In addition it would create noise and disturbance causing harm to the residential amenity of Nos 307, 309 and 311 Dodworth Road. Furthermore the development is unacceptable in highway safety terms. As such, the proposed development would be contrary to saved UDP Policy H8D, Core Strategy policy CSP 29 and SPD 'Designing New Housing Development' and the NPPF, in that it would be an undesirable form of infill development that represents poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

### **Recommendation – Refuse planning permission.**

- 1 In the opinion of the Local Planning Authority, the proposal dwelling would not reflect the development pattern of the area and would not integrate well within the immediate surroundings, to the detriment of the overall character, resulting in a cramped and isolated ad-hoc form of development. As such, the proposed development would be contrary to saved UDP Policy H8D, Core Strategy policy CSP 29 and SPD 'Designing New Housing Development' and the NPPF, in that it would be an undesirable form of backland and tandem development that represents poor design that fails to improve the character and quality of the area and the way it functions.
- 2 In the opinion of the Local Planning Authority the development would harm the residential amenity of adjoining properties through creating noise and disturbance as a result of the proposed access to the dwelling passing in a gap between two existing houses. In addition the development would require manoeuvring and other disturbance associated with domestic habitation in an existing private rear garden location where existing residents can reasonably expect tranquillity. As such, the proposed development would be contrary to saved UDP Policy H8D, Core Strategy policy CSP 29 and SPD 'Designing New Housing Development' and the NPPF.
- 3 In the opinion of the Local Planning Authority the proposal is unacceptable in highway safety terms as the plans have failed to demonstrate provision of adequate manoeuvring facilities to provide reassurance that vehicles can enter and leave the site in a forward gear. Reversing manoeuvres onto the highway would not be acceptable due to Dodworth Road being a heavily trafficked classified road. An adequate means of access for the development has therefore not been demonstrated. In addition the proposed access is not wide enough to accommodate two way traffic flows to serve both the existing and proposed dwellings. The use of both accesses at the same time would have an adverse impact on the surrounding highway network and would be detrimental to the free and safe flow of traffic on the highway, contrary to Core Strategy Policy CSP26, UDP Policies H8A and H8D and the relevant planning policy statements in the NPPF in respect of highway safety.

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