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**2017/0869**

**Applicant:** Mrs Helen Browne, C/o Taylor Tuxford Associates

**Description:** Erection of 1 no. detached dwellinghouse.

**Site Address:** The Bungalow, High Croft, Hoyland, Barnsley, S74 9AF

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The application has been referred to the Planning Regulatory Board by Councillor Franklyn. 4 representations have been received from local residents.

### **Site Description**

The application relates to the rear garden area of 'The Bungalow' which is located to the West of High Croft and just to the South of Hoyland Town Centre. 'The Bungalow' is a single storey, hipped roofed, brick built structure. The land slopes down from North to South so there is an element of under build to the rear of the property. To the front of the dwelling is an area of hardstanding for parking and a terraced seating area. There is also a vehicular access to the rear of the property and a long sloping rear garden, mainly laid to grass, with fencing and hedges around the perimeter.

High Croft serves a recently constructed car park, a medical centre, a church hall and 4no. properties, including the application property. There are also public footpaths running adjacent to the Northern and Eastern boundaries. There are neighbouring bungalows to South East and West of the site and a 2 storey detached dwelling, opposite High Croft, to the East.

### **Proposed Development**

The applicant seeks permission to erect a 2 bedroom split level bungalow in the garden area to the rear (South) of 'The Bungalow'. On entering the property from the Northern elevation there would be a porch, boot room, bathroom and bedroom. Stairs would lead down to a lower ground floor, containing an open plan kitchen/lounge/ diner, and up to a first floor containing a master bedroom suite. The master bedroom would also have access to a modest balcony.

Access to the property would be taken from the existing rear vehicular access serving 'the Bungalow' and there would be an area of hardstanding to the front of the new building providing parking and manouvering space. A private rear garden would be provided to the rear.

'The Bungalow' would retain the parking area to the front of the property and would have private garden areas retained to the front and 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 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 submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

### 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'.

### **Consultations**

Highways – No objections subject to conditions

Drainage – Building Control to check

Ward Councillors – Cllr Franklyn has requested that the application is determined by Councillors.

### **Representations**

4 letters of objection received, 1 of which was on behalf of 3 separate households. The main points of concern are;

- Loss of outlook
- Discrepancies between D&A statement and plans
- Reduced Highway Safety
- Potentially restrict access to neighbouring properties
- Increased overlooking/loss of privacy

### **Assessment**

#### Principle of development

The site is allocated as Housing Policy Area in the currently adopted UDP proposals maps and Urban Fabric, i.e. land within the settlement with no specific allocation, in the publication draft of the Local Plan. All new dwellings proposed within existing residential areas 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, infill 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.

## Residential Amenity

The proposed dwelling would be located directly to the South of 'The Bungalow' in an area which is currently utilized as garden. However, the main living space within 'The bungalow' is at an elevated level due to the slope of the land and the proposed dwelling would be built on a lower level. Furthermore, the only window proposed on the front (North) elevation of the application property serves a boot room which is a non-habitable room, in addition, there would be a 12m separation distance which is considered acceptable in SPD 'Designing New Housing Development' where a wall with habitable room windows faces a wall without. As such, amenity levels in terms of overshadowing, overbearing and privacy would be to a reasonable degree.

The proposed dwelling would be built on a higher level than the bungalows to the South, which front South Lea Drive, and would have habitable room windows, over 2 floors, and a balcony facing the rear elevations and rear private amenity spaces of those properties. However, there would be a separation distance of over 10m from the proposed rear elevation to the shared boundary and over 35m to the neighbouring habitable room windows. As such, the separation distances would exceed those set out in the SPD and residential amenity levels would be maintained to a reasonable degree.

The proposed building would be to the East of the garden area serving number 14 Milton Road but would be over 14m from the neighbouring property itself, as such, is would not unreasonable increase overshadowing or result in an overbearing feature, especially as the roof would slope away from the shared boundary. There is a habitable room window proposed on the Western elevation of the proposed dwelling facing the shared boundary but it would be at ground floor level with views limited by the boundary treatment. There are also rooflights on the roof slope facing the neighbouring private garden area but these would have a high sill level, therefore, privacy levels would be maintained to a reasonable degree.

The proposed dwelling would be to the West of number 46 High Croft and be built in front of the neighbouring building line. However, there would be a separation distance in excess of 12m, as such, overshadowing would not be to an unreasonable degree and the building would not result in an overbearing feature. There is a habitable room window proposed on the East elevation facing number 46 which would serve the kitchen. However, it would face the side elevation of the neighbouring property and would be at lower ground floor level so as the boundary treatments would reduce views. Again, there are rooflights proposed on the roof plain facing the neighbouring property but the sill heights would be relatively high.

It is acknowledged that there is a proposed balcony at first floor level to the rear of the dwelling. However, as set out above, the relevant separation distances are met. Furthermore, the balcony is inset within the rear elevation rather than affixed to it, as such, the side elevation walls of the dwelling act as screens to reduce overlooking and maintain privacy.

In terms of amenity levels of the occupants of 'The Bungalow' there would be private amenity spaces provided to the front and rear of the dwelling. They would be a lot smaller than the garden they are currently used to. However, they would cumulatively total in excess of the 50m<sup>2</sup> required in the SPD and South Yorkshire Residential Design Guide.

With regards to the amenity levels of the future occupants of the proposed dwelling, the internal space exceeds those set out in the South Yorkshire Residential Design Guide and the remaining rear garden area is in excess of 50m<sup>2</sup>. As set out above, the required separation distances from neighbouring properties are achieved, therefore, privacy levels would be to a reasonable degree.

## Visual Amenity

It is acknowledged that SPD 'Designing New Housing Development' states that 'tandem development, with one dwelling directly in front or behind another sharing the same access will almost always be resisted'. However, in this case the two properties would not share one access, they are both served by the same road which also serves several other properties. In addition, two vehicular access points already exist. Furthermore, there are existing properties to the East of the site on a similar building line to the proposed, as such, the proposed dwelling would not be in a backland location or appear out of kilter with its setting.

The proposed dwelling would be within a relatively non-prominent position and not highly visible. Furthermore, locally, the bungalow would be viewed against the neighbouring bungalows and, within a more wider setting, would be viewed in the context of Hoyland Town Centre. When viewed from the town centre it would only be partially visible due to the level difference. As such, it would not be a dominant or visually intrusive feature, in accordance with CSP 29.

The bungalow would appear single storey from the front but 2 storey from the rear, due to the topography of the site. The rear elevation would not be highly visible from public vantage points and, in any case, this situation reflects that of 'The Bungalow' which has an element of underbuild. There is also a 2 storey dwelling located off High Croft to the North East of the site.

It is acknowledged that 'The Bungalow' incorporates a hip roof whereas the proposed dwelling has gables, however, there are a number of gable properties within the immediate area including the bungalows to the East, the two storey property to the North East and the church hall to the North. As such, it would not appear out of character with the area.

In order to soften the development and allow it to sit comfortably within its surroundings, the existing hedges and vegetation would be retained to the boundaries of the site. A condition would be recommended to this affect.

## Highways

There are 2no existing vehicular access points into the site. The one to the North of 'The Bungalow' would be retained for the host property and the one to the South would be utilized by the proposed dwelling. The parking on offer would meet the requirements of SPD 'Parking' and Highways DM have not raised any objections to the proposal, subject to conditions.

The boundary treatment to the rear of 'The Bungalow' and to the front of the proposed dwelling is not clear, as such, a boundary treatment condition will be requested to ensure parking and maneuverability is not adversely affected.

The concerns with regards to the access have been noted, however, 1no. additional dwelling would not significantly increase vehicular movements and there would be no vehicular access points created, the existing access points would be retained and utilized.

## Summary

The proposal would 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. In addition, the development would maintain visual amenity and maintain highway safety to a reasonable degree, in accordance with policies H8D, CSP 26, CSP 29 and SPD's 'Designing New Housing Development' and 'Parking'.

## **Recommendation**

**Approve** subject to conditions:-

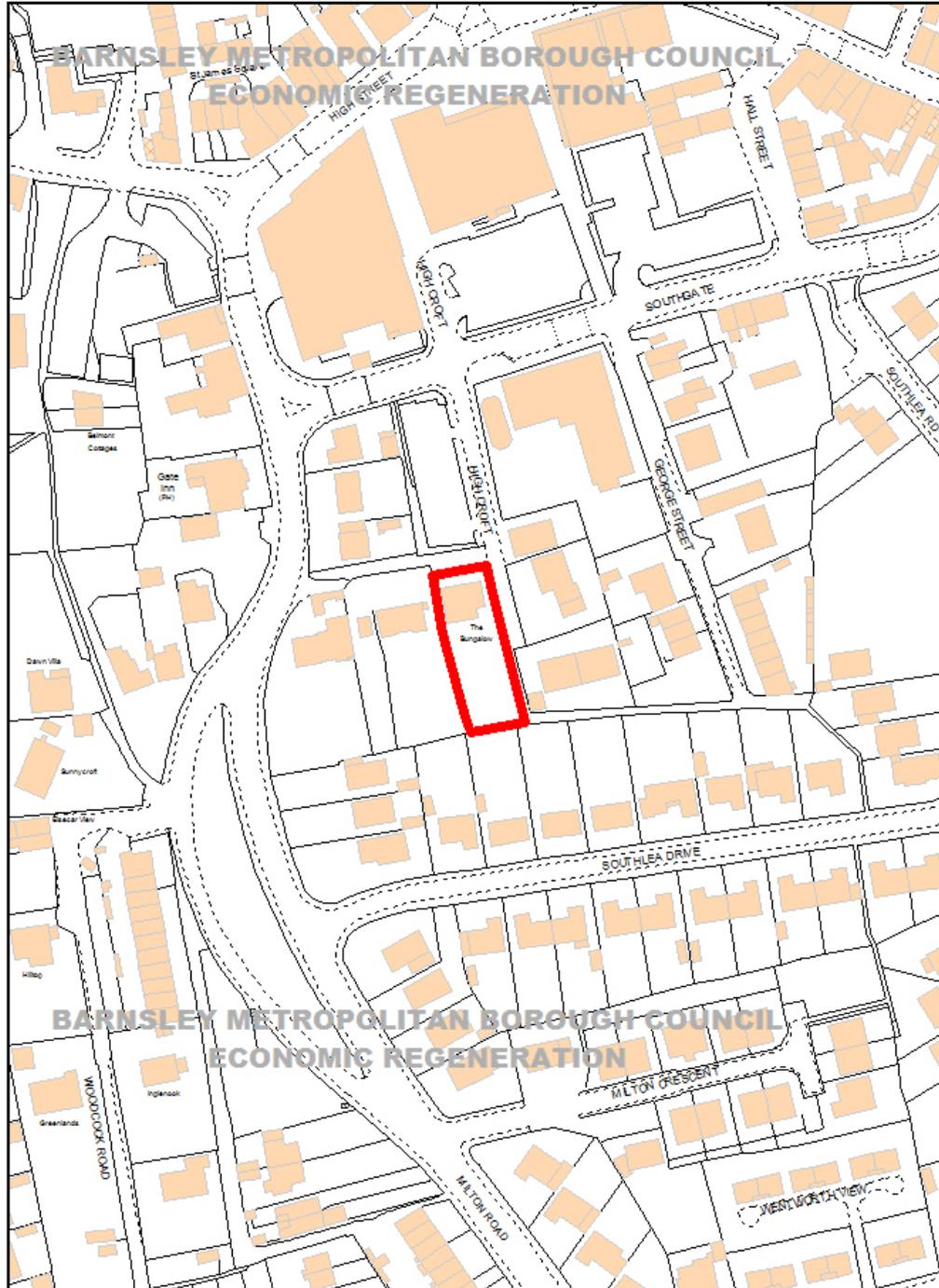
- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos 17/2393/003/J, 17/2393/004/E & 17/2393/005/F) and specifications as approved unless required by any other conditions in this permission.  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 3 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.**
- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.  
**Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with Core Strategy Policy CSP 29, Design.**
- 5 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.  
**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 6 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**

- 7 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.  
**Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 8 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.  
**Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 9 Sight line having the dimensions 2.4m by full site frontage shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway, in the interest of road safety.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 10 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
  - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
  - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.  
**Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 11 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.  
**Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with UDP Policies GS22, Woodland, Hedgerows and Trees and GS22A.**
- 12 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.  
**Reason: To safeguard existing trees, in the interest of visual amenity.**

PA reference :-

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