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**2019/0209**

**Applicant:** Barnsley MBC, C/o NPS Barnsley

**Description:** Erection of 3no two storey dwellings and associated works (2no. 2 bed semi-detached and 1no. 3 bed detached).

**Site Address:** Land adjacent 7 Kenworthy Road, Worsbrough Common, Barnsley, S70 4LW

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The application is referred to PRB as the Housing Growth Service within the Council are the applicants. No representations have been received.

### **Site Description**

The application relates to a rectangular piece of land on Kenworthy Road measuring approximately 550m<sup>2</sup>. The site is a vacant plot which previously contained residential properties. Its topography follows the form of the street which gradually slopes downhill from east to west. The site's appearance is unkempt with it being covered in overgrown grass which has captured litter deposited nearby. Green palisade fencing constitutes the sites western and southern boundaries while the eastern boundary is composed of a line of immature shrubbery and broken fencing. The surrounding area is wholly residential with semi-detached bungalows directly opposite and adjacent of the site to the north and west. To the south, rear curtilages extend behind the rear of the proposal site which belong to the two storey terraced properties on Highstone Road uphill to the east.

### **Proposed Development**

The applicant seeks permission to erect 3no, two storey dwellings in the form of a detached and a pair of semi-detached properties. The semi-detached dwellings are to consist of an open plan kitchen/living/dining area and WC on the ground floor with two double bedrooms and a bathroom at the first floor. The detached dwelling is composed of a combined kitchen/dining room, a separate living room and a WC on the ground floor with two double bedrooms, a single bedroom and a main bathroom at the first floor. The properties would be faced with brick and render with decorative artstone sills and lintels surrounding grey/anthracite uPVC windows and black composite doors; the detached dwelling will also include a bay window. All the properties are designed with contemporary pitched roofs and their side windows exclusively serve hallways or bathrooms and provide no outlook for habitable rooms. A retaining wall will separate the detached dwellings from the semi-detached properties to account for the 0.87m level difference created by the site slope.

In terms of external amenity, 2no off-road parking spaces are to serve each dwelling and will be constructed of Herringbone block paving. Each property is afforded a small grassed area in front of each property enclosed from the highway by a composite of ball-top metal fencing and low-level brick walling. The curtilages will be separated and bounded by a 1.8m close-boarded timber fence and the rear gardens would be provided with a grass lawn as well as a small patio.

### **Site History**

2013/1392 – Erection of 3no dwellings (1 pair of semis and 1no detached) – Approved subject to conditions 09/04/2013.

### **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, 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.

## Local Plan

The new Local Plan was adopted at the full Council meeting held 3th January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Designation: Urban Fabric

Relevant Local Plan policies include:

GD1 – General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

D1 – High Quality Design and Place Making – Development is expected to be of a high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

T4 – New Development and Transport Safety – New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

H4 – Residential Development on Small Non-Allocated Sites – Proposals for residential development on sites below 0.4HA will be allowed where the proposal complies with other relevant policies in the plan.

H8 – Housing Regeneration Areas – In lower value housing sub markets a range of housing market regeneration programmes will be supported aimed at the renewal of poor housing and the revitalisation of neighbourhoods and communities. South Barnsley and Worsbrough is considered a lower value sub market and support may include encouraging sustainable housing growth to support creation of an overall balanced housing market as well as addressing the density and mix of housing types and tenures.

CL1 – Contaminated and Unstable Land – Where future users or occupiers of a development would be affected by stability issues proposals must be accompanied by a report which shows that investigations have been carried out to work out the nature and extent of the stability issues and the possible effect they may have on the development and its future users. Dependent on the results of the report, a set of detailed measures should be provided to allow the development to go ahead safely by addressing land stability issues resulting from former coal mining activities.

## Supplementary Planning Documents

Designing New Housing Development

South Yorkshire Residential Design Guide (SYRDG)

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

## 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 DC* – No objections, conditions recommended.

*Yorkshire Water* – No comments have been received at the time of writing.

*Highways Drainage* – No objection. Satisfied that the details provided can be checked in line with the building regulations.

*SYMAS* – No objection subject to inclusion of Coal Authority standing advice on decision notice.

*Coal Authority* – No objection based upon supporting site investigation report. Further detailed considerations may be required of ground conditions and/or foundation design as a part of any subsequent building regulations. On the basis of the response from SYMAS and the TCA Local Plan Policy CL1 is considered satisfied.

## **Representations**

The application was advertised by way of a site notice and consultation letters which were sent to properties adjacent to the proposal site. No formal representations have been received.

## **Assessment**

### Principle of Development

The site is allocated as Urban Fabric within the Local Plan Policies map. Urban fabric is a designation which acknowledges that land is located within the urban boundary. Within such areas new development is acceptable in principle where it complies with the predominant use of the area and where the proposed use would not compromise or lower the amenity of uses within the locality.

The site is located within Worsbrough Common and thus falls under Local Plan Policy H8 relating to *Housing Regeneration Areas*. On the basis of the surrounding unit types, those being bungalows, terraces and semi-detached dwellings, the inclusion of a detached unit within the proposal will aid the housing mix, density and overall sub market of this established urban area.

The development pertains to the erection of 3no dwellings on an infill site in a residential area which previously accommodated residential dwellings. As such the proposal is deemed concordant with Local Plan Policy H4 *Residential Development on Small Non-Allocated Sites* subject to its compliance with other relevant planning policies outlined above and discussed below.

Consequently the development is recommended to members as acceptable in principle subject to the visual, amenity and highways assessments below which seek to evaluate the new dwellings in terms of ensuring that their living conditions and overall standards of residential amenity are at an acceptable level for both existing local residents and future occupants, particularly in respect to levels of mutual privacy. Additionally, development should only be granted where the proposal would maintain visual amenity and not create traffic problems or highways safety issues.

### Residential Amenity

The case officer acknowledges that the proposed dwellings would be two storeys, built at a higher level and positioned to the east and south of existing single storey properties. However, the westernmost dwelling of the proposed development has a side-to-side separation distance of at least

6m to the neighbouring bungalow at 7 Kenworthy Road. This degree of separation would minimise overbearance occurring at 7 Kenworthy Road.

For the bungalows at nos 5 and 7, the level of overshadowing would be restricted to the morning hours due to the proposed dwelling's being sited to the south east of their curtilages where existing light levels are expected to be retained through the rest of the day. Nos 10-16 would be affected by light loss across their front elevations and gardens as they are located directly to the north of the development site. However the loss incurred is likely to be negligible due to the distance created by the highway of Kenworthy Road which separates the existing and proposed dwellings by approximately 20m. Likewise the detached dwelling is to be located at least 10m downhill to the west of the terraced properties upon Highstone Road and amenity loss is unlikely to occur through this vector.

As mentioned previously, the development's side windows do not serve habitable rooms and are subsequently unlikely to contribute to loss of privacy for surrounding dwelling's or their curtilages. Overall the separation distances to surrounding dwellings is ample and in line with the recommendations within the SPD – Designing New Housing Development. However this is not the case in terms of distances within and across the rear curtilages of the proposed and existing properties. This is because the distance between the proposals rear elevations and their rear boundaries fall short of the recommended 10m set out within the SPD and overlooking can occur to the curtilages spanning from Highstone Road. Nevertheless, views from the proposed rear ground floor windows would be mitigated by boundary treatment and the garden areas that the windows would face (i.e. not immediately adjacent to the rear elevations of the neighbouring properties) extend approximately 10m or more further east toward Highstone Road away from the proposal site. Nevertheless the SPD is a form of guidance and it is considered that the established residential principle of the site overrides the requirement for a prescribed garden length in this instance as the width of the gardens provides more than the 50sqm and 60sqm minimum outlined for two and three bedroom properties respectively. Given the generous garden sizes, boundary treatment and the size of the adjacent rear curtilages on Highstone Road, it is judged that overlooking of neighbouring curtilages would not be to an unreasonable degree if the three dwellings are approved.

With regards to the amenity of the proposal's future residents, all the proposed rooms exceed the internal spacing standards set out for 2 bedroomed properties in the South Yorkshire Residential Design Guide [SYRDG]. The single bedroom within the three bedroom detached dwelling is 1sqm below the minimum stipulated within the SYRD. As with the SPD, the SYRDG is a form of guidance and as the double bedrooms within that property exceed the 12sqm requirement by several square meters, it is not considered that space standards are unduly restrained within the dwelling to warrant a refusal as the compound floorspace is adequate to offer a satisfactory level of living space. Overall the internal and external layout of the proposal is sufficient and the residential amenity of future occupants is deemed to be at an acceptable level. Meanwhile the Design and Access Statement outlines the wide range of amenity spaces and services on offer near to the plot of land including a football pitch opposite Highstone Road as well as Worsbrough Common Primary School approximately 250m away.

It is therefore recommended to members that the application is in line with Local Plan Policy GD1 in terms of overshadowing, overbearance and privacy for existing residents and future occupants due to the adequate separation distances and layout created by and within the design of the proposal.

### Visual Amenity

The existing properties on Kenworthy Road are of a traditional mid 20<sup>th</sup> century construction whereas the proposed dwellings would have a relatively modern appearance with a mixed palette of materials including red bricks and render elevations and artstone sills and lintels. Similarly, the predominant roof form of properties in the vicinity is hipped while the design of the proposed dwellings is pitched. Irrespective of these differences, the proposal would maintain and improve street enclosure via the inclusion of railings and low level brick walls to contribute to the aesthetic of the streetscene along Kenworthy Road. It should also be recognised that the site is currently overgrown and strewn with litter and that its build out will repurpose this vacant space to a useful function while also improving the character of the area and would help meet the Council meet identified housing needs.

The proposed dwellings are simple, attractive and maintain the street pattern. As such, the proposed scheme would not be out of character with the area or be detrimental to the visual amenity of the streetscene. In any case, the design and materials aid in adding interest to the build and the scheme is not trying to recreate, or be a pastiche of, the style within the existing streetscene. The proposal is recommended to members as in line with the SPD – Designing New Housing Development and Local Plan Policy D1.

### Highways

Each property is indicated as accommodating two off road parking space which meets the criteria for a 3 bedroom property and exceeds the criteria for two bedroom properties, as set out in SPD 'Parking'. The proposed parking spaces have been indicated in a supporting statement to measure 10m in length by 3m in width in line with the recommended spacing standards set out in the South Yorkshire Residential Design Guide.

As indicated in the Design and Access Statement, the number 44 bus stop is located outside the plot on Kenworthy Road and a further two bus stops for the 43 and 44 bus routes are located on Highstone Road. These give convenient access to Barnsley Interchange and connecting bus and rail services.

To conclude, the impact of the development will maintain existing highway safety and amenity, in accordance with Local Plan Policy T4.

### Summary

It is recommended to members that the proposal is granted permission as it would provide an attractive infill development that would ensure living conditions and overall standards of residential amenity are provided and maintained to an acceptable level both for new residents and those living within the locality, particularly in respect of levels of mutual privacy, light and overbearance. In addition, the proposal would maintain visual amenity and not create traffic issues, in accordance with Local Plan Policies GD1, D1, T4, H4, H8 and CLC1.

### **Officer Recommendation to Board:**

**Grant** subject to condition:-

- 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 and specifications as approved unless required by any other conditions in this permission.

Plan Nos -

- Site Plan, Site Render & Street Scene - NPS-AA-PL-XX -A-Zz\_70\_60\_M-020
- Proposed 3 Bed Detached Floor Plans and Elevations - NPS-AA-PL-XX -A-Zz\_70\_60\_M-040
- Proposed Coloured 3 Bed Detached Elevations, Roof Plan & Sections - NPS-AA-PL-XX -A-Zz\_70\_60\_M-041
- Proposed 2 Bed Semi-Detached Plans and Elevations - NPS-BB-PL-XX -A-Zz\_70\_60\_M-042
- Proposed 2 Bed Semi-Detached Elevations, Roof Plan & Sections- NPS-BB-PL-XX -A-Zz\_70\_60\_M-043

**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

- 3 Sightlines, having the dimensions 2.4m x 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.  
**Reason: In the interest of highway safety, in accordance with Local Plan Policy T4 New Development and Transport Safety.**
- 4 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 Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.**
- 5 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 are provided in the interests of highway safety and the free and safe flow of traffic, and in accordance with Local Plan Policy T4 – New Development and Transport Safety.**
- 6 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 600m above the nearside channel level of the adjacent highway.  
**Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.**
- 7 Vehicular and pedestrian gradients within the site shall not exceed 1:20 to ensure safe and adequate access.  
**Reason: In the interests of highway safety in accordance with Local Plan Policies T4 New Development and Transport Safety.**
- 8 Any gates must be hung so as to open inwards into the site and not out onto the public highway, in the interests of highway safety.  
**Reason: In the interests of highway safety in accordance with Local Plan Policies T4 New Development and Transport Safety.**
- 9 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use, in the interests of road safety.  
**Reason: In the interests of highway safety in accordance with Local Plan Policies T4 New Development and Transport Safety.**
- 10 No development shall take place until 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:  
  
Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.  
**Reason: To ensure proper drainage of the area, in accordance with Local Plan Policy I1.**
- 11 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 Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.**

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