
Case Number	18/01869/FUL (Formerly PP-06974386)
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse with integral garage and landscaping works
Location	Within The Curtilage Of Elmwood 27 South Street Mosborough Sheffield S20 5DE
Date Received	15/05/2018
Team	City Centre and East
Applicant/Agent	SLA Design
Recommendation	Grant Conditionally

Time limit for Commencement of Development

1. The development shall be begun not later than the expiration of three years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:

Site Location Plan 15/022-001 received 21st June 2018

Site Layout Plan 15/022-003 REV C

Ground and First Floor Plans 15/022-004 REV B

Second Floor and Roof Plan 15/022-005 REV B

Front and Rear Elevations 15/022-006 REV C

Side Elevations 15/022-007 REV C

Reason: In order to define the permission.

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

3. No development shall commence unless the intrusive site investigation works described in the coal mining risk assessment produced by Eastwood and Partners have been carried out as recommended and a report of the findings arising from the intrusive site investigations is submitted to and approved by the Local Planning Authority. Where the investigations indicate that remedial works are required, a remediation strategy shall be submitted to and approved by the Local Planning Authority before the development commences and thereafter the remedial works shall be carried out in accordance with the approved details.

Reason: To ensure the site is safe for the development to proceed and the safety and stability of the proposed development, it is essential that this condition is complied with before the development is commenced.

4. No development shall commence unless a foundation method statement in respect of the Grade II Listed wall has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be built in accordance with the approved details.

Reason: In order to ensure that the fabric of the Listed Wall is not damaged it is essential that this condition is complied with before the development is commenced.

5. No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway, it is essential that this condition is complied with before any works on site commence.

6. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway, it is essential that this condition is complied with before any works on site commence.

Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

7. Large scale details, including materials and finishes, at a minimum of 1:20 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Rooflights
Windows and Doors
Garage doors

Eaves
Parapet Wall to garage
Rainwater Goods
Hard landscaping
Services
Boundary Treatments

Thereafter, the works shall be carried out in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development.

8. Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development.

9. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing and drainage of the turning circle and driveway shall have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be used unless the turning circle and driveway has been provided in accordance with the approved plans and thereafter such turning circle and driveway shall be retained.

Reason: In the interests of the amenities of the locality and to control surface water run off from the site and mitigate against the risk of flooding

10. A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority before any masonry works commence and shall be retained for verification purposes until the completion of such works.

Reason: In order to ensure an appropriate quality of development.

11. Rooflights shall be conservation style whereby no part of the rooflight shall project above the surface of the roofing slates unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to ensure an appropriate quality of development.

12. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with.

13. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any

above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

14. The dwelling shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

15. Before the development is brought into use the windows on the north elevation of the dwelling facing 29 South Street shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity and any part of the windows that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

Reason: In the interests of the amenities of occupiers of adjoining property

16. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

Reason: In the interests of the visual amenities of the locality it is essential for these works to have been carried out before the use commences.

Other Compliance Conditions

17. The rooflights shall be positioned a minimum of 1.7m above the floor of the room in which they are installed.

Reason: In the interests of the amenities of occupiers of adjoining property

18. The dwelling shall not be used unless turning space for vehicles as shown on the approved plan has been provided and thereafter such turning space shall be retained and not be used for the parking of vehicles.

Reason: In the interests of highway safety and the amenities of the locality.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking and re-enacting the order) no additional windows or other openings shall be formed in the dwelling hereby permitted without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of adjoining property.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.
3. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
4. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website here:

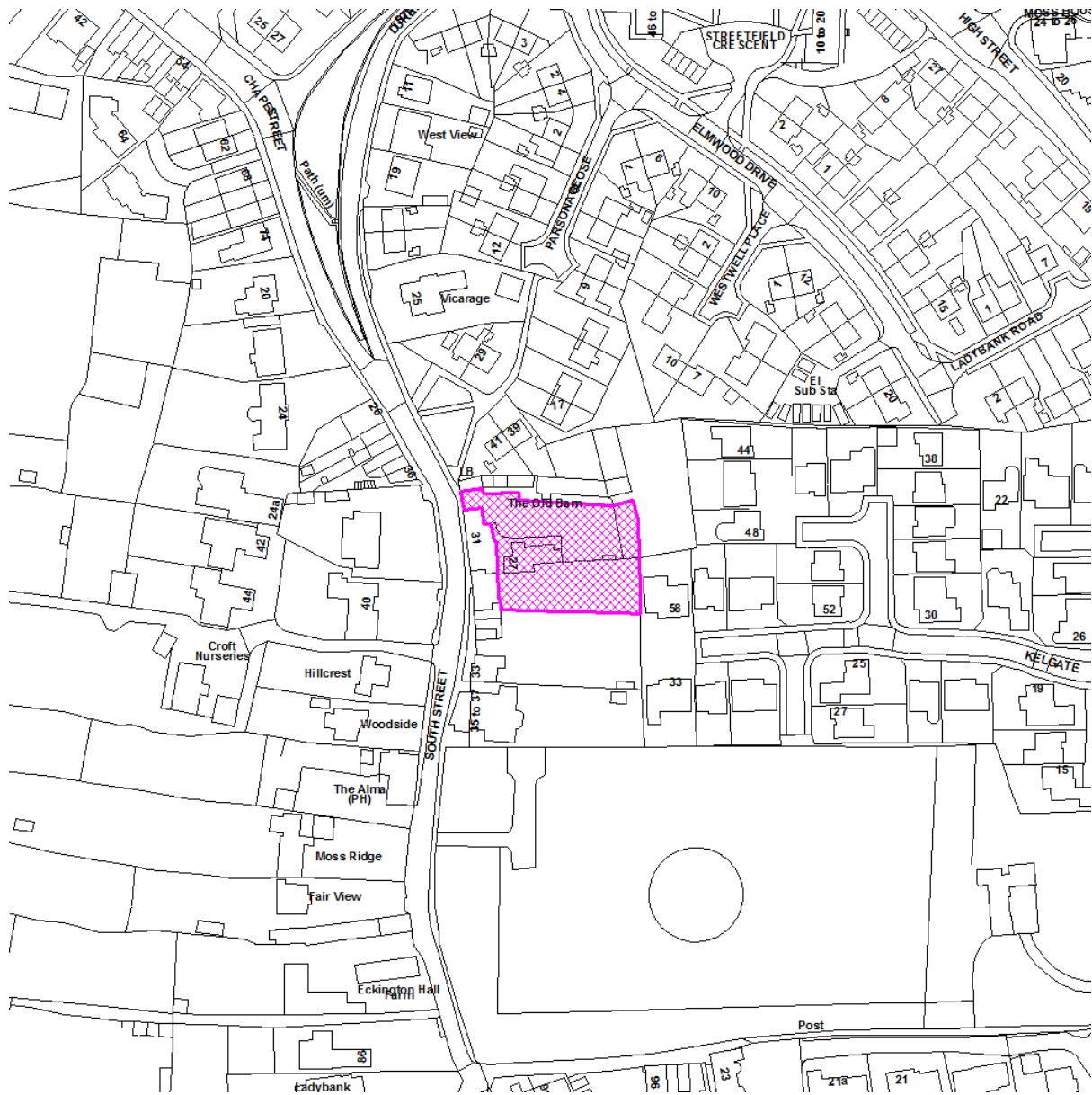
<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk.

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

5. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.

Site Location



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LOCATION AND PROPOSAL

The application relates to land within the curtilage of a C19th detached former farmhouse which is located to the rear of residential property fronting South Street, Mosborough. The farmhouse which is currently being renovated and extended by the applicant has an attractive stone built south facing elevation and rendered north elevation which faces onto the former gravel farmyard. A stone built barn which was part of the original farm complex and located to the north of the farmyard has previously been converted into a separate residential property. A further brick built barn lies to the east of the converted barn adjacent to an open field which abuts the boundary with Kelgate, a modern residential development consisting of detached brick built dwellings.

The site falls within both a Housing Policy Area and an Area of Special Character as defined by Sheffield's Unitary Development Plan. The dwelling is sited adjacent to the former Mosborough Hall Estate. A Grade II listed wall which also incorporates a former gated entrance to Mosborough Hall extends along the eastern boundary between the application site and neighbouring property on Kelgate. A further Grade II Listed building at 31 South Street is located to the west of the former farmhouse.

The application seeks approval for the erection of a 5 bed roomed detached dwelling to the side of the extended farmhouse with an integral garage. A vehicular turning circle will be provided within the open yard to the front of the dwelling for use by all three dwellings, with the remaining area to the front of the new dwelling being laid out with hard and soft landscaping.

The overall height of the dwelling has been reduced and internal layout amended since first submission and the garage roofline amended to incorporate a flat roof with parapet detailing.

RELEVANT PLANNING HISTORY

15/03023/FUL: Erection of two storey extension to dwelling house and detached single storey swimming pool. Application granted conditionally on 5th November 2015. The two storey extension which was approved at this time is currently under construction. The dwelling which is proposed as part of the current application will be sited on the approximate footprint of the approved swimming pool building.

01/00930/FUL: Alterations and extension to barn for use as a dwelling house. Granted conditionally 14th May 2001

SUMMARY OF REPRESENTATIONS

Seven letters were received in connection with the original submission including two from the occupiers of the converted Old Barn which raised the following concerns:

- South Street is one of the oldest and least developed areas of Mosborough and includes a number of Listed Buildings. The scale, massing and detailing of the proposed dwelling is not in keeping with the character and appearance of the existing building group. The character and history of Elmwood Farm

has been destroyed by the current development which is solely in pursuit of commercial gain with no consideration to quality, taste or preservation of the character of the original building

- The proposed dwelling will be seen from South Street where it will be viewed in context with no 31 South Street a grade II listed building, detracting from its setting. The development also impacts on the setting of the grade II listed Summerhouse and Grade II listed wall on the boundary with Kelgate
- The sheer bulk of the building, the use of large areas of glazing surrounding the main door and large roof lights, creates a building which is not traditional in appearance. The use of obscure glazing within all the front facing windows is not characteristic of the area and considered to be poor design. Though constructed of stone this is not consistent with the former farm house which is rendered brick.
- The letters consider that the applicant has failed to mitigate the harm caused through the design of the building. Planning policies require development to not deprive neighbours of light and privacy; the sentiment of which is reflected in the South Yorkshire Residential Design Guide which Sheffield Council have endorsed. The use of guidance contained with the Council's Supplementary Planning Guidance on Designing House Extensions is inappropriate as the proposal relates to a new dwelling and is not an extension.
- The property will cause unreasonable overshadowing of and overlooking of neighbouring property including south facing habitable room windows within the converted old barn which are positioned approx. 14m away from the front elevation of the proposed dwelling. This falls far short of the normally recognised standards of 21m separation where principle windows face one another. The windows in the north facing elevation include a study window, huge stairwell window, a principle bedroom window and front facing roof lights which all face towards the Old Barn. This is an unacceptable arrangement.
- The principle elevation of the Old Barn faces south and the sheer height of the dwelling will cause loss of light to this neighbouring property. The previously approved swimming pool building did not have the same impact.
- The proposed dwelling is too big for the plot of land which is evident from the site plan and street elevation plan where the house towers over adjacent property creating a bulk and massing that is clearly out of context with its immediate setting including the existing barn conversion. Taking account of plot size and proximity to existing buildings the proposal represents an overdevelopment of the site which will have a negative impact on the character and appearance of the surrounding area.

- The proposal will lead to increased traffic movements onto South Street which will pass immediately adjacent to existing residential property causing noise and air pollution. The existing access has poor visibility and with South Street being subject to high levels of on-street parking, any increase in use of the existing access will be hazardous.
- The existing driveway/yard which will serve the development is unmarked and of poor quality. There is no adequate lighting within the courtyard to facilitate safe vehicular and pedestrian access. Access into the allocated parking area for the development is tight and it will be difficult for vehicles to turn and leave the site in forward gear resulting in vehicles reversing out onto South Street. The proposed turning head can only accommodate a car and not larger vehicles or a fire engine.
- The current development at the former farmhouse is creating noise, dirt and nuisance with work being carried out mainly during evenings and weekends outside of the times previously conditioned on the existing planning approval. The site is untidy and there appears to be scant regard for health and safety principles. There are concerns that the applicant will have similar disregard for neighbours should planning approval be granted.
- The building will encroach onto the existing undeveloped field and reduce separation distances with property on Kelgate where houses currently have an open and quiet aspect to the rear. The field is currently gated with access restricted to key holders. Without the wall and gate the land will be left open significantly compromising security and privacy. There are concerns that the construction site will extend into the field increasing inconvenience and loss of privacy and amenity. The open field provides a welcome informal green space which sustains local wildlife. A comment has also been made that bats have been seen in the area.
- The applicant has used unconventional scales on the submitted drawings which have made the plans hard to fully assess
- A similar proposal for development within the curtilage of 35 South Street was recently refused on grounds that the loss of open space, quality of design and siting of the development were harmful to the character and appearance of the street scene. These same issues are also relevant to the current proposals.

Following receipt of amended plans which reduced the overall height of the eaves by 0.82m and ridgeline by 1.2m and set the dwelling a further 0.75m back into the site neighbours were re-consulted. A further 6 letters were received which considered that the plans provided no material change to the original design, its impact on the

character and appearance of the area, its impact on heritage assets, its impact on neighbouring properties or impact on highway safety. The letters reiterated the previous concerns with the development and considered that the changes did little to reflect the planning policies and the impact of such a large and overbearing property in a listed setting and requested that the initial objections be fully reconsidered.

Following receipt of a further plan which introduced a flat roof with parapet detailing over the garage a further letter was received from the occupiers of the Old Barn which considered the flat roof to be a retrograde step which significantly lowers the design quality of the development. The letter states that there are no other flat roofs within the listed setting of the site and its introduction is not compatible with the character and built form of the area.

Concern has also been raised that the submitted section which shows the angle of clearance achieved by the development in respect of the neighbour's ground floor windows has not been correctly surveyed and as such it cannot be relied on as being accurate.

PLANNING ASSESSMENT

The National Planning Policy Framework (NPPF) provides the framework for the planning policy and development within England. The overarching principle is to ensure that new development is sustainable and the local policies cited in this report are all considered to be in accordance with the relevant paragraphs of the NPPF

Land Use Issues

The application property is sited within a Housing Policy Area as defined by the UDP, where residential uses are the preferred use of land. In this respect the proposed development is acceptable in principle subject to other policy requirements and national guidance.

The NPPF stipulates that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

Based upon the most current information available, a deliverable supply of housing land over the coming 5 years cannot be demonstrated. The Local Planning Authority has identified a 4.5 year supply, which is a shortfall of 1,185 dwellings, as detailed in the SHLAA Interim Position Paper 2017. The issue of a shortage in housing land availability is a material consideration which supports the principle of residential development at this site and the proposal would provide a small but helpful contribution to the local supply of housing land as required by the Corporate Plan, in a sustainable location.

Core Strategy Policy CS24 'Maximising the Use of Previously Developed Land for New Housing' states that priority will be given to the development of previously developed sites and that no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/5 and 2025/26. The policy goes on to

state that housing on green field sites will be developed only (b) on small sites within the existing urban areas where it can be justified on sustainability grounds.

Being within a residential garden the application site is considered to be a green field site. The proportion of green field completions is currently 5% of overall completions within Sheffield and in this respect the application proposals for a new dwelling on a sustainable site within the established urban area is considered to meet the requirements of this policy.

Core Strategy Policy CS26 'Efficient Use of Housing Land and Accessibility' requires development to make efficient use of the land but states that the density of new developments should be in keeping with the character of the area. The policy indicates that in this area a density range of 30 – 50 dwellings per hectares should be achieved but that densities outside these ranges will be allowed where they reflect the character of an area.

The development would result in a density of approx. 23 dwellings per hectare which is below the recommended density ranges but considered to be in keeping with the established urban grain within the area. In this respect the proposal complies with policy CS26

Design and layout

UDP Policy H14 'Conditions on Development in Housing Areas' requires new buildings to be well designed and in scale and character with neighbouring dwellings

UDP Policy BE5 'Building Design and Siting' expects good design and the use of high quality materials. Original architecture is encouraged but development should complement the scale, form and architecture of surrounding buildings

UDP Policy BE17 'Design and Materials in Areas of Special Architectural or Historic Interest' requires a high standard of design using traditional materials.

UDP Policy BE18 'Development in Areas of Special Character' requires new development to respect the appearance and character of the area.

Core Strategy Policy CS74 'Design Principles' seeks high quality design which respects and takes advantage of the distinctive features of an area.

The NPPF advises that good design is a key aspect of sustainable development which helps make development acceptable to communities and that planning decisions are sympathetic to local character while not preventing or discouraging appropriate innovation or change.

The application proposes the erection of a single stone built dwelling largely sited within the side garden of the former farmhouse, although the front corner does extend into the adjoining open field outside the original domestic curtilage of the property. The farmhouse forms part of a group of buildings including a converted stone barn located to the north of the farmhouse and a further brick built barn with associated retained open field which is surrounded on three sides by more modern

residential development. None of the buildings are listed although the site does fall within an Area of Special Character as defined by the Unitary Development Plan. When the UDP was prepared it was considered important to safeguard Areas of Special character until their declaration as Conservation Area could be considered. The supporting text to Policy BE18 is clear that controls on new development in Areas of Special Character will be less rigorous than in a fully designated Conservation Area which is a statutory designation.

Notwithstanding the above it is important that new development respects and complements the scale character and appearance of the existing building group which is typified by the retained old barn which has previously been converted into residential accommodation. In this respect the proposed dwelling has been designed to appear as an additional barn fronting onto the former farm yard rather than a more suburban dwelling similar to the adjoining Kelgate development.

The proposed dwelling which, is narrower in overall width than either the extended farmhouse or converted Old Barn, will be built up in natural stone with dual pitched natural slate roofline. The dwelling will be set back with its front elevation in line with the original farmhouse building and 0.8m behind and 1.5m from the two storey extension which is currently under construction. The overall height and eaves line of the dwelling is compatible with that of the original farm house and in this respect is considered to be in scale with the original farmhouse building.

The dwelling incorporates a single storey element to the eastern side which incorporates a garage and additional living space to the rear. This part of the dwelling which is inset 1m from the grade II listed wall has been designed with a flat roofline to help reduce the overall massing of the dwelling as viewed from both the former farmyard and neighbouring property on Kelgate. This roof which will be built up with a stone parapet with stone coping stones is lower in overall height than the swimming pool building which was previously approved in this location.

The front elevation which looks onto the shared former farmyard contains four window openings, roof lights and a large glazed opening around the front entrance door reflecting the appearance a large cart shed door typically found in old agricultural barns. It is considered that the appearance of the dwelling largely reflects the character of the building group and is not inappropriate considering the context in which it is viewed. Comment has been made on the inclusion of obscure glazing within the front elevation of the dwelling. This is not considered to detract from the overall appearance of the new dwelling and would not be a reason to resist the application.

Full details of all external materials and large scale details will be conditioned for subsequent approval to ensure an appropriate quality of development. A condition is also proposed to ensure the use of conservation style roof lights on the front and rear roof plane of the dwelling.

Taking account of the above it is considered that the development is in compliance with the approved policy for the area and that a refusal on design grounds would not be justified.

Impact on Heritage Assets

Policy BE19 'Development affecting Listed Buildings' requires new development to preserve the character and appearance of the listed building and its setting.

The dwelling will be located 1m away from a Grade II Listed Wall which extends along the eastern boundary of the application site. The Listed Wall contains the former gated entrance to Mosborough Hall which is stone faced to the elevation facing Kelgate and brick faced to the application site. The wall is only visible from the public domain from Kelgate where it is viewed in context with the existing modern housing development. The siting of the proposed dwelling ensures that it will not be seen in views from Kelgate and in this respect the proposal will not affect the setting or significance of the Listed Wall. A condition requiring the submission of a foundation method statement will be added to any subsequent approval to ensure no damage to the listed wall during construction. A similar condition was previously added to the 2015 application for the detached swimming pool building.

No 31 South Street is sited adjacent to the pedestrian and vehicular entrance of the site with its front elevation fronting directly onto South Street and its rear elevation forms the western boundary to the former farm yard. The proposed dwelling which is set back 39m from the street frontage will be viewed from South Street across the former farmyard from where there are also views of the Kelgate development, the extended former farm house and the converted old barn. Due to significant setback of the development from no 31 South Street it is not considered that the proposed dwelling will impact on the setting of this heritage asset.

A further grade II listed building, the Summerhouse is located at 32 South Street. The proposed dwelling would be viewed from the garden of this property but with considerable separation (approx.40m) from the Listed Building will not impact on its significance or setting.

It is considered that the proposed dwelling will have no impact on the setting of the local heritage assets and in this respect the proposal does not conflict with Policy BE19 or the guidance contained within the National Planning Policy Framework.

Amenity Issues

UDP Policy H14 requires that new development does not lead to land being overdeveloped and to protect the amenities of residents.

The NPPF seeks to secure a high standard of amenity for existing and future users of land and buildings

Also of relevance is the guidance contained within the Council's adopted Supplementary Planning Guidance on Designing House Extensions. Although it is acknowledged that the current proposal is for a detached dwelling rather than an extension the SPG does provide some useful guidance on acceptable separation distances between residential developments. The SPG is also reflective of guidance contained within the South Yorkshire Residential Design guide which is referred to in the representations.

The proposed dwelling will have its main front elevation facing onto the former farm yard and opposite part of the front elevation of the Old Barn. It is noted that the front elevation of the Old Barn is already overlooked to some extent by clear glazed windows within the former farmhouse building. The impact of this was previously considered acceptable in 2001 when planning permission was approved for the barn conversion as main windows were not directly facing one another.

The layout of the proposed dwelling is such that all main habitable rooms apart from a ground floor study are located on the rear elevation of the dwelling. The applicant has indicated that all front facing windows including that of the study will be obscurely glazed to a high level of obscurity to prevent any unreasonable overlooking of the Old Barn. It is noted that two of the existing clear glazed windows and a clear glazed door opening in the front elevation of the Old Barn will face directly onto the new dwelling. In addition the roof lights which serve the proposed bedroom accommodation and circulation space within the roof space will be positioned at a high level preventing direct outlook onto the Old Barn. In this respect the proposal will not cause any unreasonable overlooking of this neighbouring dwelling.

Separation distances from the new dwelling to the front south facing elevation of the Old Barn vary from 14.5 m (opposite the garage to the Old Barn) to 15.1m (Opposite the Old Barn's main ground and first floor windows) Guidance within the adopted SPG indicates that to prevent unreasonable overshadowing and overbearing impacts, two storey extensions should not be placed within 12m of neighbouring ground floor windows. The siting of the proposed dwelling complies with this separation distance.

Also of note is the guidance in the South Yorkshire Residential Design Guide which suggests that new development should protect an angle of 25 degrees from the centre point of the lowest neighbouring window which faces it. This document has not been adopted by the Council but does provide best practice guidance. The development has been shown to comply with this requirement.

In view of the compliance with guidance contained within the adopted SPG and SYRDG it is considered that the development will not cause unreasonable overshadowing or overbearing impact on the Old Barn and there would therefore be no justification to resist the proposals on this basis.

The neighbouring property at 58 Kelgate is sited with its main rear elevation facing north. The ground floor of this property has previously benefited from a single storey rear conservatory which extends out in close proximity to the listed wall which lies on the shared boundary line.

The proposed dwelling will be located with its main rear south facing elevation 3.3m forward of the rear north facing elevation of 58 Kelgate with the two storey part of the dwelling inset 6.5m from the boundary line. The proposed single storey flat roofed part of the new dwelling will be largely screened by the listed wall which extends up to 2.2m in overall height.

Due to the relative positioning of the two dwellings, with the new dwelling being located to the north west of 58 Kelgate, there will be no unreasonable overshadowing of this existing property and as the proposed two storey side facing elevation will be inset from the boundary line it will not appear overbearing to occupiers of this neighbouring property. In addition the relative positions of the proposed upper floor windows and existing rear facing windows of 58 Kelgate will ensure that there is no unreasonable overlooking of this neighbouring property.

The proposed dwelling raises no overlooking, overbearing or overshadowing concerns in respect of other property on Kelgate.

The dwelling will be located 10m away from the rear boundary of the site which is shared with the listed Summerhouse on South Street. The dwelling raises no privacy issues in respect of this neighbouring dwelling.

In respect of the amenities of future occupiers, all main habitable room windows, apart from the study, are located on the rear elevation of the building providing adequate outlook for future residents. In addition the proposal ensures the provision of 190m² of private garden area to the rear of the property which is considered adequate to serve the proposed five bedroomed property and also allows the retention of a similar sized garden to the former farmhouse.

The property will be located within a predominantly residential area with relatively low background noise levels. Environmental Health Officers have confirmed that standard thermal double glazing with standard frame trickle vents and adherence to Part E of the Building Regulations should provide an adequate noise environment to satisfy internal noise standards.

Highway Issues

UDP Policy H14 (Conditions on Development in Housing Areas) requires that new dwellings should provide safe access to the highway network, appropriate off-street parking and not endanger pedestrians.

The NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling, focussing significant development in locations which are or can be made sustainable. It directs that development should only be prevented or refused on transport grounds where the residual cumulative impacts of developments are severe.

The proposed dwelling will utilise the existing vehicular access point onto South Street which currently gives both vehicular and pedestrian access to the former farmhouse and the Old Barn. A turning circle is provided within the former farmyard ensuring that cars can turn within the site and leave in a forward gear. It is noted that there is good visibility at the point of access along South Street to north but that the side wall of 31 South Street restricts visibility to the south. The intensification of use of the access which would be generated by a single dwelling would not lead to a substantial increase in vehicular movements and a refusal on highway safety grounds would not be justified. A condition is proposed requiring the turning area to be available for use at all times.

The dwelling incorporates an integral double garage and additional off road parking for a further two vehicles to the front of the garage which is considered adequate parking for a five bedroomed dwelling. A vehicular swept path has been shown on the submitted plan which confirms that a vehicle can enter and leave the site in forward gear.

Landscaping

The submitted plans confirm that the area to the front of the new dwelling outside the turning area will be finished with a mix of hard and soft landscaping. In addition the applicant has indicated that the vehicular areas including the turning area will be laid with gravel to ensure a suitable running surface. Full details of the landscaping, driveway finish and drainage thereof will be conditioned for subsequent approval to ensure an appropriate quality of finish.

Other Issues

For the purposes of the Community Infrastructure Levy, the development is located within Zone 3 where there is a charge of £30 per square metre.

The site lies within a Coal Mining Development High Risk Area and is supported by a Coal Mining Risk Assessment. This recommends further intrusive site investigations prior to development in order to establish the exact situation regarding coal mining legacy issues. The Coal Authority has commented on the application and concurs with the findings of the Risk Assessment. A condition requiring such works is recommended.

Pre-Commencement Conditions

In accordance with Section 100ZA of the Town and Country Planning Act 1990 the council has received the written agreement of the applicant that the proposed pre-commencement conditions are acceptable

RESPONSE TO REPRESENTATIONS

The majority of the objections are addressed within the main body of this report.

The applicant does not own any of the open field apart from the part to the south west corner which will be used in part for the attached garage and vehicular access thereof. The resulting side boundary, with the open field, appears as a logical extension which links the line of the listed wall, which forms the side boundary with 58 Kelgate, to the front of the retained brick built barn.

Planning approval is not required for the removal of the existing stone wall and gate which form the boundary with the open field. The properties on Kelgate all retain their own boundary with the open field. There is no requirement from a planning point of view that the gate is locked preventing access by non-key holders to the open field.

There is no requirement to use a particular scale for planning drawings. The applicant has when requested provided dimensions for the neighbours.

Environmental Health Officers have powers under Section 60 of the Control of Pollution Act 1974 to control noise and vibration from demolition and construction sites. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. A directive advising the applicant of his responsibilities will be added to any subsequent approval

Although the turning area will not accommodate a fire vehicle, fire appliances can still access the site in case of emergency.

The previous refusal on South Street is not directly comparable to the current proposal in that it directly impacted on an Open Space Policy Area as defined by the Unitary Development Plan. The development was also considered harmful to the character and appearance of the Area of Special Character due to its design, siting and use of inappropriate materials.

SUMMARY AND RECOMMENDATION

The proposed detached dwelling is considered acceptable in terms of its scale, form, detail and materials. The siting and design of the dwelling will not impact on the character and appearance of the area nor impact on the setting of heritage assets. It is considered that the proposal will appear neither overbearing to neighbours nor cause any unreasonable overshadowing or loss of privacy to existing residents. The intensification of the means of access does not raise any highway safety concerns. The proposal is considered to satisfy the requirements of the adopted local plan and the National Planning Policy Framework and is recommended for approval subject to the listed conditions.

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