

**Supplementary Planning Document**  
**Residential Amenity and the Siting  
of Buildings**

**Adopted May 2019**



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### 1. About this Guidance

- 1.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.

### 2. Introduction

- 2.1** This Document primarily supplements Local Plan PolicyD1 High Quality Design and Place Making which states as follows:

#### Policy D1 High Quality Design and Place Making

##### Design Principles:

Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley, including:

- Landscape character, topography, green Infrastructure assets, important habitats, woodlands and other natural features;
- Views and vistas to key buildings, landmarks, skylines and gateways; and
- Heritage and townscape character including the scale, layout, building styles and materials of the built form in the locality.

Through its layout and design development should:

- Contribute to place making and be of high quality, that contributes to a healthy, safe and sustainable environment;
- Complement and enhance the character and setting of distinctive places, including Barnsley Town Centre, Penistone, rural villages and Conservation Areas;
- Help to transform the character of physical environments that have become run down and are lacking in distinctiveness;

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- Provide an accessible and inclusive environment for the users of individual buildings and surrounding spaces;
- Provide clear and obvious connections to the surrounding street and pedestrian network;
- Ensure ease of movement and legibility for all users, ensure overlooking of streets, spaces and pedestrian routes through the arrangement and orientation of buildings and the location of entrances;
- Promote safe, secure environments and access routes with priority for pedestrians and cyclists;
- Create clear distinctions between public and private spaces;
- Display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangement of materials, colours and details;
- Make the best use of high quality materials;
- Include a comprehensive and high quality scheme for hard and soft landscaping; and
- Provide high quality public realm.

In terms of place making development should make a positive contribution to achieving qualities of a successful place such as character, legibility, permeability and vitality.

- 2.2** This SPD sets out the design principles that will apply to the consideration of planning applications for non residential buildings in proximity to existing residential properties. The Council is committed to maintaining a high standard of residential amenity in areas where new development is proposed.
- 2.3** For a development to make a positive impact it needs to be successfully integrated into the wider built environment in which it is located. To do this effectively new developments must fit in with their surroundings in terms of height, spacing, massing, landscaping and design (e.g. choice of materials, details such as position of windows, architectural features, walls/fences) and not cause undue loss of amenity to existing residents. In this respect outlook, amenity, privacy and daylight/sunlight are considered. Good design, layout and landscaping should be the aim of everyone involved in the development process. It is, therefore, the responsibility of the developer, their advisors and the Council to raise standards. This guidance is a first step in terms of raising standards and maintaining residential amenity.
- 2.4** You are advised to discuss your proposal with the Council at an early stage. Formal pre-application discussions can help avoid problems and delays once an application is submitted. Further information, including the Pre-application Advice Protocol and charges for this are available on our web site.

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### 3. Guidelines for Development

**3.1** The Council will assess your proposal for non residential development against the guidelines set out below. However, if your scheme matches these guidelines it does not necessarily mean that your application will be approved or that you have fulfilled your responsibility to achieve quality development. The guidelines should ensure that development which would have an unacceptable impact will be avoided. However, in some instances higher standards may be required and in other cases standards may be relaxed if there are mitigating circumstances and the development would result in overall benefits to the community and the environment.

#### Relationship with existing dwellings

**3.2** The layout and design of new housing development must ensure that a high standard of privacy, light and outlook is obtained for existing residents where they live in close proximity.

**3.3** Developers in the first instance should consider design led solutions to ensure layouts deliver high standards by avoiding:

1. close overlooking of the windows in any existing dwelling or its garden from the proposed development or inappropriate siting of security cameras.
2. the introduction or intensification of vehicular and pedestrian movements close to an existing dwelling, its garden or boundary.
3. the overbearing or overshadowing effect of new buildings on an existing dwelling or its garden.
4. the proximity of plant or machinery to existing dwellings
5. the proximity of security or other lighting to existing dwellings.
6. the proximity of outside compounds or storage areas to existing dwellings.

#### Daylight & Sunlight

**3.4** Daylight is an important factor in residential amenity. Daylight will be impaired by the siting of a structure which obstructs it directly in relation to its size and distance away. The Building Research Establishment, (BRE), made a number of recommendations in its report, "Site Layout Planning for Daylight and Sunlight 1991". Although these recommendations are not mandatory, they are clear indicators of achieving design quality in development schemes. One of the recommendations is that suitable daylight to a dwelling is achieved where an unobstructed vertical angle of 25 degrees can be drawn from the centre point of the lowest window, the 25 degree rule. See Appendix 1.

**3.5** New developments should achieve this standard and demonstrate how day lighting of existing dwellings is safeguarded.

**3.6** In terms of sunlight, the orientation and height of any new building to existing dwellings will be important, with buildings on the south east, south or south west side of dwellings potentially having the greatest effect on sunlight.

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### Separation Distances

- 3.7** The following guidelines for non residential buildings will be applied unless it can be demonstrated that a design led solution can allow a relaxation of standards whilst maintaining high levels of privacy, amenity and outlook:
1. Any building at single or two storey height should be a minimum 25m from the windows of any habitable rooms in any nearby dwelling or the distance required by the 25 and 45 degree rules for access to daylight, whichever is the greater. See Appendix 1.
  2. Any building at 3 storey height should be a minimum 30m from the windows of any habitable room in any nearby dwelling or the distance required by the 25 and 45 degree rules for access to daylight, whichever is the greater and the depth/bulk of the building taken into account. The larger the building footprint the greater the distance should be from existing dwellings. For example, a building more than 20m long or wide behind or in front of the main windows to the habitable rooms of a dwelling should be a minimum 35m away.
  3. Any building higher than 3 storeys will need careful assessment as to its suitability for the location, distance and orientation to any existing dwelling and a significantly greater separation distance may be required.
  4. Distances between new buildings and existing dwellings may be relaxed depending on a number of factors including site level relationships, (i.e. if at a lower level), existing screening or landscaping between the existing and proposed buildings and location. Each case will be judged on its merits in relation to these varying factors and particularly where a difference in site levels effectively reduces the effect of the height of proposed buildings in relation to existing dwellings.
  5. Full compliance with standards are expected in predominantly residential areas whereas they may be relaxed in town centre situations/higher density areas.
  6. Compliance with the suggested spacing criteria will usually provide most of the layout requirements for achieving satisfactory outlook, amenity and privacy and daylight/sunlight for conventional development. However, developments designed to control aspect or which employ screening may allow closer spacing, but sufficient, detailed information must be submitted to justify any relaxation.
- 3.8** Special Note; Under certain circumstances, the Building Regulations control the number and size of windows and door openings (unprotected areas) fronting a boundary in order to minimise the risk of fire spread over the relevant boundary, this may be in conflict with any planning requirements. For further information please telephone 01226 772678.

### Outlook

- 3.9** Care should be taken over the siting of buildings, especially those close to existing dwellings and common boundaries as their proximity may result in an unacceptable overbearing impact even though all other amenity requirements have been achieved. Outlook is the visual amenity afforded by a dwelling's immediate surroundings, which can be adversely affected by the close siting of another structure. However, this does not extend to the protection of a person's particular view from a property as this is not a material planning consideration.

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- 3.10** Making the best use of site characteristics, changes in level and the retention of mature trees and shrubs will greatly assist the potential for achieving satisfactory outlook. When a structure is placed too close to a window so that it completely dominates the outlook it will have an overbearing impact. This is also dependent on the footprint of the building and generally, the larger the footprint the greater the impact. Compliance with the separation distances set out above will usually ensure that reasonable levels of outlook are retained for neighbouring residents.

### Privacy

- 3.11** New developments should be designed to protect the privacy of the occupiers of existing dwellings. This primarily covers accommodation forming habitable rooms, (bedrooms and living areas), although consideration should also be given to effects on private areas of amenity closely related to the dwelling, e.g. patio areas.
- 3.12** When developments are proposed near existing dwellings, special care needs to be placed on preventing windows in new buildings looking into the rear private areas of existing dwellings. Spacing standards, screening and design can help to mitigate this. e.g. high level, oriel or obscure windows. As privacy is eroded through the overlooking of existing dwellings, any significant change of ground levels can alter the effect of the separation distance. In these circumstances it will be important to provide a cross section to demonstrate the relative height between opposing accommodation.
- 3.13** The incorporation of permanent screening between respective elevations can help reduce overlooking between buildings. Where adequate permanent, appropriate screening can be provided, it may be possible to reduce recommended separation distances, providing daylight/sunlight and amenity provision is met. All proposals, which incorporate screening to reduce separation distances will be assessed on their own merits, but accurate cross sections will need to be provided with the application to demonstrate how privacy is achieved within the layout. The retention of existing, established, evergreen shrubs adjacent to a common boundary can constitute effective screening or other suitable size and species of trees, though care is needed to prevent undue overshadowing. The introduction of new planting can have a similar effect, but at sufficient size to provide a screening effect until mature, using species appropriate to the area's character. New planting will require a minimum two year maintenance period to establish.

### Existing trees and hedgerows

- 3.14** If there are mature trees or hedgerows on your site the Council will expect them to be incorporated into the design and layout of the development and retained, wherever possible, for their visual, ecological and amenity protection value. Applications should be accompanied by an accurate site survey plan showing the position, spread, and species of all trees and hedgerows, and which are proposed to be retained. The spaces allowed for trees to be retained should be sufficient not just to safeguard the trees survival in the short term, but be sufficient to allow their long term development without interfering with the adjacent occupiers' enjoyment of their property in the future.

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### New planting

- 3.15** Consideration should be given at an early stage as to whether landscaping can assist in maintaining residential amenity. Any scheme should be designed to help the development fit into its surroundings and soften its visual impact. The planting of trees, hedges and shrubs can improve the appearance and help to protect the amenity of any existing adjacent residents. If appropriate, a landscaping scheme should be submitted with your planning application.

### Walls and fences

- 3.16** The type and height of screen fencing or walls on boundaries with existing residential development can help protect residential amenity and are likely to be required as part of the scheme unless other boundary treatment exists or is proposed.

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## Appendix 1.

### 25 degree rule (back to back orientations)

Taking a horizontal line extending back from the centre point of the lowest window, draw a line upwards at 25 degrees. All built development facing a back window should be below the 25 degree line.

### 45 degree rule (back to side orientations)

Taking a horizontal line parallel to the back face of the building at the centre point of the lowest window closest to the boundary, draw a line 45 degrees upwards and another 45 degrees outwards towards the side boundary. All built development to the side of a back window should be below and behind these lines.

Figure 1

