



BARNSLEY

Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2008/0011

To Mr M R Ellis
18 Carron Drive
Mapplewell
Barnsley
South Yorkshire
S75 6GA

DESCRIPTION Erection of a two storey side extension and a front porch extension to dwelling
LOCATION 18 Carron Drive, Mapplewell, Barnsley, South Yorkshire, S75 6GA

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 04 January 2008 and described above.

The approval is subject on compliance with the following 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 external materials shall match those used in the existing building.
Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.
- 3 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless prior written consent has been given by the Local Planning Authority to any variation.
Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.

Reason(s) for Granting Permission

- 1 Extensions to dwellings The proposal complies with Policy H8E in that it does not
- Policy H8E adversely affect amenity of occupiers of adjacent properties.

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed 
Assistant Director, Planning and Transportation

Dated 06 February 2008

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.



Appeal Decision

Site visit made on 9 June 2008

by **Karen L Ridge LLB (Hons) MTPL**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
25 June 2008

Appeal Ref: APP/R4408/A/08/2069544

11 Inkerman Road, Darfield, Near Barnsley S73 9NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Susan Hughes against the decision of Barnsley Metropolitan Borough Council.
- The application Ref. 2008/0012, dated 19 December 2007, was refused by notice dated 5 February 2008.
- The development proposed is a rear extension.

Decision

1. I dismiss the appeal.

Main issues

2. I consider that there are two main issues in this appeal. Firstly the effect of the proposed extension on the living conditions of the occupiers of an adjoining property, having regard to outlook and light. The second main issue is the effect of the proposal on the character and appearance of the existing dwelling and the streetscene.

Reasons

3. The appeal site comprises a two-storey, semi-detached house and its curtilage, located in a predominantly residential area. The dwelling has already been extended at ground floor across most of the rear elevation and the proposal is to further extend at first floor on top of this existing extension and also to increase the rearwards projection at ground floor. The adjoining property at no. 9 has itself been extended by what appears to be two linked ground floor extensions projecting from part of its rear elevation. No. 9 has patio doors on its rear elevation close to the common boundary with no. 11 and a clear glazed ground floor window opposing the common boundary. Both properties have long rear gardens of limited width.
4. The Council's Supplementary Planning Guidance in relation to house extensions (SPG) has been adopted following consultation and I therefore accord it significant weight. The proposed first floor extension would project some 3.2m beyond the main rear elevation which would fall within the recommended guidelines within the SPG but the ground floor extension, at just over 5m, would exceed the recommended SPG guidelines. The proposal would extend almost up to the side boundary with no. 9 and the first floor massing, coupled with the further rearwards projection at ground floor, would combine to create

an oppressive built form in close proximity to the common boundary and the ground floor windows of no. 9. The effect would be exacerbated by virtue of the narrow rear garden and patio area of no. 9.

5. For the above reasons, I consider that the proposal would seriously harm the outlook of the residents of no. 9 both from the ground floor windows referred to and also from the small patio area directly adjacent to the proposal. Whilst both properties are south facing, I agree that a 'tunnelling effect' would occur as a result of the proposal and the existing ground floor extensions of no. 9 and that this would result in overshadowing and a material reduction in light to the rear ground floor windows of this adjoining property.
6. I therefore conclude that the proposal would be harmful to the living conditions of the occupiers of no. 9, in relation to both outlook and overshadowing. As a result the proposal would be contrary to policy H8E of the Barnsley Unitary Development Plan, adopted in 2000, and I further note that this policy has been saved by direction of the Secretary of State under the provisions of paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.
7. The appeal property and its adjoining neighbour are part of a series of similar semi-detached pairs along the south side of Inkerman Road. Whilst the uniform appearance of the houses has generally been maintained at the front, a number of the houses have rear extensions and outbuildings in their back gardens, which has compromised uniformity to the rear. However, the gaps between the houses are relatively narrow and the proposal would not be conspicuous from Inkerman Road.
8. I note that the proposal utilises a variety of roof styles and would result in a significant increase in massing to the rear. However, the appeal property and its attached neighbour have already been extended and have other outbuildings which have compromised the uniformity of the houses at the rear. I therefore do not consider that the proposal would be materially harmful to the appearance of the existing dwelling and in this respect it would not contravene policy H8E of the UDP.
9. Whilst I have found in favour of the appellant in relation to the second issue, the harm which I have identified in relation to the first issue is overriding and means that the appeal must be dismissed.

Karen L Ridge

INSPECTOR