



REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2023/0161

To Philip Fletcher
302 New Road
Staincross
Barnsley
S75 6GP

Proposal Demolition of existing side extension at 102 Sackville Street and erection of 2no bungalows to rear with associated works

At 102 Sackville Street, Barnsley, S70 2BX

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 17/05/2023 and described above.

The reason(s) for the Council's decision to refuse planning permission is/are:

- 1 In the opinion of the Local Planning Authority the proposed dwellings would be located within a backland location and contrary to Local Plan Policy D1, SPD 'Design of Housing Development' and NPPF paragraphs 130 and 134 in that that their design and cramped position would be architecturally inconsistent with the character and development pattern of the immediately adjacent properties and would as a consequence result in an undesirable development, shoehorned onto the plot to the detriment of visual amenity. Furthermore, the proposed development encroaches and disturbs the historic grain of this part of the Victoria Road conservation area is therefore harmful to the Conservation Area, contrary to Local Plan Policy HE1 and section 16 of the NPPF.
- 2 In the opinion of the Local Planning Authority, the proposed dwellings would be materially detrimental to the amenities of the neighbouring residents due to the additional vehicular movements and residential activity in such close proximity to neighbouring dwellings and associated amenity spaces. The proximity of the proposed dwellings to the private amenity space and habitable room windows associated with number 100 Sackville Street and the level difference between the site and the dwellings on Loxdale Gardens would result in a significant overbearing and overshadowing impact. Furthermore, the proposed dwellings would be materially detrimental to the amenities of the future occupants due to the substandard internal floor space. As such, the proposal is contrary to Local Plan Policy GD1, SPD 'Design of Housing Development' and the South Yorkshire Residential Design Guide.

- 3 In the opinion of the Local Planning Authority the proposed development would result in the intensification of the use of a substandard narrow vehicular access leading to vehicles waiting within the highway. Furthermore, the South Yorkshire Residential Design Guide cites a minimum clearance of 6.0m from a parking space to allow vehicles to manoeuvre in and out of the bays without obstruction. The bays for the bungalows fall short of this requirement resulting in vehicles being unable to access and exit the site in a forward gear. The proposed parking bays would also be in direct conflict with the approved parking and manoeuvring layouts approved at appeal under planning application 2019/0716. The proposal is therefore contrary to Local Plan Policies T4 'New development and Transport Safety', GD1 'General Development', D1 'High Quality Design and Place Making' and paragraph 110 of the NPPF.
- 4 The site lies within a Coal Authority Referral area due to the likely presence of shallow workable coal. Consequently, the proposed development will have some degree of risk from mining legacy hazards such as instability from mining void migration to surface should any uncharted workings of this coal be present. The report submitted with the application does not constitute a Coal Mining Risk Assessment and does not analyse the site-specific mining legacy risks and detail what associated mitigation may be required for the proposed development. As such, the applicant has not submitted sufficient details to enable an adequate assessment to be made, therefore, the application is contrary to Local Plan Policy CL1 'Contaminated and Unstable Land'.

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed

Dated: 10 July 2023

A handwritten signature in dark ink, appearing to read 'JM Jenkinson', written in a cursive style.

Joe Jenkinson
Head of Planning, Policy and Building Control

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision, then you must do so within six months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate> If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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.