BARNSLEY
Metropolitan Borough Council

Place Directorate
Regeneration and Culture
Planning and Building Control

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2021/0440

To Peter Thompson
Architectural Design Consultant
Linwood
Barnsley Road
Dodworth
Barnsley
S75 3JR

Proposal Erection of single storey extensions on both sides to form 2no additional retail units (Use Class E)

At 49 Laithes Lane, Athersley South, Barnsley, S71 3AQ

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 31/03/2021 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 western extension is at a height and proximity that would overbear the rear boundary of 73 High Croft Drive thereby significantly harming the outlook and amenity of the internal and external habitable areas of that property. Similarly the height and location of the eastern extension relative to the path of the sun would significantly erode light levels across the rear habitable windows and garden area of 24 Arnold Avenue thereby detrimentally impacting the quality and amenity of its residential spaces for its occupants. Cumulatively both extensions inflict unacceptable harm to the amenity of the cited residential properties as they decrease separation standards significantly below reasonable standards as required by the SPD Residential Amenity and Siting of Buildings. As such the development is determined to be contrary to Local Plan Policy GD1 - General Development.

2 The extensions constitutes overdevelopment of the site. The eastern extension builds up to and overhangs the adjacent foot path while attaining insufficient space to provide an adequately proportioned entrance to the new retail unit that would be consistent with the entrances to the existing units on the building. The western extension is at a varied width to the eastern extension and the height of both extensions are at variance with each other and that of the main roof ridge thus rendering the façade imbalanced with the eastern extension appearing cramped when viewed from public vantage points across Laithes Lane and therefore contrary to the design principles required by Local Plan Policy D1 - High Quality Design and Placemaking as well as the design principles set out under NPPF Paragraph 130.

3 The proposed development is sited in proximity to a mature tree without the support of an impact assessment or protection plan that could mitigate harm to that tree. Without such details the Local Planning Authority cannot make an informed decision on the impact of the application and consider the proposal detrimental to the visual amenities of the locality contrary to Local Plan Policies D1 - High Quality Design and Placemaking as well as BIO1 - Biodiversity and Geodiversity.

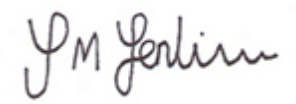
Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

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 12/11/2021



Joe Jenkinson
Head of Planning 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.