



REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2023/0380

To White Agus Partnership
Office One
34 Victoria Road
Barnsley
S70 2BU

Proposal Demolition of existing bungalows and erection of a pair of semi-detached bungalows

At The Bungalow, 120B St Georges Road, Barnsley, S70 1HA

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 16/06/2023 and described above.

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

- 1 The proposal is contrary to Local Plan Policy GD1, D1, the Council's SPD for Design of Housing Development as well as NPPF paragraph 134 which seek for residential development to raise the design standard in the area, contribute to creating mixed and balanced communities and result in high quality standards of living for existing and future communities. The two proposed dwellings are shoehorned onto a tight, completely enclosed site with a very narrow frontage, which is not considered to be of sufficient size to appropriately accommodate two dwellings. This would result in a poor quality cramped form of development with plot 1 being positioned in a poor quality backland location with limited soft landscaping opportunities within the site and a car-dominated frontage. Consequently, in the opinion of the Local Planning Authority, the proposal represents a substandard and incongruous form of development in the street scene, having a detrimental impact on the visual amenity of the area and on the delivery of a suitable mix of new homes.

- 2 The proposed development is considered to be contrary to Local Plan Policy GD1 and H6, the SPD for Design of Housing Development and NPPF paragraph 8b in that it does not offer sufficient outlook from the habitable room windows of the proposed plots, with both plot's front facing windows looking partially onto the side elevation of neighbouring properties with an area of soft landscaping to the immediate front of these windows. Also, the bedroom for plot 2 would be in close proximity to the parking area serving both plots and the pedestrian path serving plot 1. Additionally, plot 2's rear facing elevation windows look directly onto a high brick wall at a distance of 5m, offering little outlook. Further, there is little expansion potential within the site for either property which would limit the potential use of the site, with a high likelihood that the plots would not cater for larger or expanding households over and above serving the limited needs of one bedroom households. Consequently, it is the opinion of the Local Planning Authority that the proposed development would not produce a high standard of residential development for the long term, alongside not ensuring adequate living accommodation for future residents.

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: 12 October 2023

A handwritten signature in black ink, consisting of a stylized 'G' and 'H' followed by a horizontal line.

Garry Hildersley

Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

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.