



## REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2019/0800

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

**Proposal** Erection of 4 storey detached building to house 8 no. apartments (Outline seeking approval over layout, scale, access and appearance)

**At** Land adjacent Victor House, 45 Locke Avenue, Barnsley, S70 1QH

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 18 July 2019 and described above.


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

*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.*

1	In the opinion of the Local Planning Authority the proposals would amount to overdevelopment of the site that would give rise to noise and disturbance issues harming the living conditions of adjacent properties as a result of the number of flats proposed to be accommodated within the building and the associated activity levels. In addition the flats would fail to deliver the adequate standards of amenity for future residents by virtue of them not being large enough to satisfy the minimum internal space standards set out in the South Yorkshire Residential Design Guidance, poor outlook natural daylight levels into the habitable rooms at lower ground floor level and inadequate provision of external amenity space for future residents. The proposals are therefore contrary to Local Plan policies GD1 'General Development', D1 'High Quality Design and Place Making' and the Designing New Housing Development SPD.
2	In the opinion of the Local Planning Authority the proposed dwelling would be contrary to NPPF paragraphs 124 and 130, Local Plan policies GD1 'General Development', D1 'High Quality Design and Place Making' and the Council's Supplementary Planning Document 'Designing New Housing Development' in that its excessive four storey mass and design features would not relate sympathetically to existing development located abutting the site and would give rise to harm to the living conditions for the residents of adjacent dwellings via appearing overbearing, causing overshadowing and loss of privacy. As such, it is considered that the proposals would represent an incongruous addition to the locality that would be significantly harmful to the



	character and visual amenity of the street scene and residential amenity.
3	In the opinion of the Local Planning Authority the development fails to provide adequate levels of off street parking for a development of this size, resulting in an increased demand for off street parking in an area where on street parking space is already oversubscribed, resulting in further obstructions to the free and safe flow of traffic harming highway safety, contrary to Local Plan Policy T4 New Development and Transport Safety.
4	The development would result in the rear garden of 263 Park Road being reduced to a depth which would mean that habitable rooms would face the amenity space for the proposed development at below the minimum 10m separation distance that is required by the Designing New Housing Development SPD. Accordingly the development is contrary to the requirements of the SPD in that it would fail to deliver the required amount of privacy for both sets of residents. It would therefore have an adverse impact on the setting of that dwelling and the size of its remaining garden area also making the proposal contrary to Local Plan Policy H9 Protection of Existing Larger Dwellings which aim to prevent both of those impacts from occurring and as both of those factors would be contrary towards the H9 policy aim of re-establishing Houses of Multiple Occupation into family housing.
5	In the opinion of the Local Planning Authority the development has the potential to lead to the intensification of a substandard access to the rear of the site which is of inadequate width and two way visibility to accommodate movements associated with the land to the rear being utilised for parking proposes. Vehicle movements in such circumstances would create conditions prejudicial to highway safety by resulting in conflicts between passing traffic and reversing manoeuvres onto the highway and by creating noise and disturbance harming the living conditions of adjacent dwellings. The proposals are therefore contrary to Local Plan Policy T4 New development and Transport Safety, Local Plan policy GD1 'General Development' and the Council's Supplementary Planning Document 'Designing New Housing Development'.

Signed   
Joe Jenkinson  
Head of Planning and Building Control

Dated 10 September 2019

*Please be aware that the Council monitors construction sites and open land within the vicinity 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*

## 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.

As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.\*

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:  
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.\*

As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.\*

As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.\*

As this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.\*

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.\*

**\*delete where inappropriate**

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](mailto: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.