BARNSLEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2013/0799

To Peter Dimberline RIBA
2 Tipsey Court
Wakefield Road
Staincross
Barnsley
S75 6FZ

Proposal Erection of 1st floor extension above existing lounge and entrance and increase height of existing double detached garage and installation of dormer windows to form study in garage roof space.
At 4 Tivy Dale Close, Cawthorne Barnsley, S75 4ER

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 24 July 2013and 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 proposed first floor rear extension would be contrary to Policy CSP 29 and the Supplementary Planning Document - House Extensions, in that its dormer style design and significant expanse of glazing would be architecturally inconsistent with the character of the property to the detriment of visual amenity.

2 In the opinion of the Local Planning Authority, the proposed extension would be materially detrimental to the amenities of the occupants of the adjacent dwelling due to the significant glazing and resultant overlooking impact over the prviate garden area of number 2 Tivy Dale Close contrary to the Council's Supplementary Planning Document - House Extensions.

Signed Stephen Moralee

Head of Planning, Building Control and Sustainability

Dated 12 September 2013

Development Service **Telephone: 01226 - 772000**
PO Box 604, Barnsley, S70 9FE **Fax: 01226 - 772591**

3 In the opinion of the Local Planning Authority the proposed increase in the height of the garage and the dormer windows would be contrary to Policy CSP 29 and Council's Supplementary Planning Document in that the inclusion of dormer windows and increased eaves height would be architecturally inconsistent with the host property and would appear as a unduly intrusive feature within the street scene.

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to refuse permission for the proposed development 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 12 weeks 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.