BARNSLEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2015/0821

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

Proposal Conversion of existing garage to form an extension to H.I.M.O.
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 20 July 2015and 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 conversion would be contrary to Policy H8A & H8D of the Unitary Development Plan, Policies CSP 29 & 30 of the Core Strategy and the Council's Supplementary Planning Document 'Designing New Housing Development' in that it would result in tandem/backland development which would be inconsistent with the character, layout and development pattern of the area to the detriment of visual amenity.

2 In the opinion of the Local Planning Authority, the proposed conversion would be materially detrimental to the amenities of the occupants of the neighbouring dwellings, namely number 12 Loxdale Gardens by reason of the location and proximity of habitable room windows in relation to neighbouring habitable room windows and private amenity spaces.

Signed

Head of Planning and Building Control

Dated 07 September 2015

Development Service **Telephone: 01226 - 772000**
PO Box 634, Barnsley, S70 9FE **Fax: 01226 - 772591**

Furthermore, the proposal would introduce noise and disturbance into an area of garden that neighbouring occupants could reasonable expect to remain quiet and undeveloped. As such, the proposal would be contrary to Unitary Development Plan Policies H8A & H8D and the Council's Supplementary Planning Document 'Designing New Housing Development'.

3 The proposed development fails to provide sufficient and suitable car parking provision within the site, as recommended by Supplementary Planning Document 'Parking'. Furthermore, the proposed development would result in the intensification in use of a substandard access. Consequently, the proposal would be to the detriment of the safe and free flow of traffic on the highway and contrary to saved UDP Policy H8D and Core Strategy Policy CSP 26.

Development Service **Telephone: 01226 - 772600**
PO Box 634, Barnsley, S70 9FE **Fax: 01226 - 772599**

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 six months 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.

Development Service **Telephone: 01226 - 772600**
PO Box 634, Barnsley, S70 9FE **Fax: 01226 - 772599**