



BARNSLEY

Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0447

To Mr Matthew Bowker
Hope Works
Mowbray Street
Sheffield
South Yorkshire
S3 8EL

Proposal Erection of a detached bungalow.
At 6 Mount Vernon Road, Barnsley, S70 4DJ

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 22 April 2010 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 development would be contrary to Barnsley UDP Policies H8A 'Existing Residential Areas', BE6 'Design Standards' and H8D 'Infill, Backland & Tandem Residential Development' and SPG3 'Infill Residential Development', in that it would be an undesirable form of backland development which would lead to an unacceptable loss of privacy and loss of amenity to neighbouring residents as a result of the proximity, scale, mass, and fenestration of the proposed dwelling. In this regard the proposal is also considered to be incompatible and out of character with the established pattern of development in the area.
- 2 Furthermore the development would result in the unacceptable loss of an open area of garden which contributes positively to the pleasant and open character of the locality which is defined by large gardens supporting mature landscaping. The reduction to the gardens size taken with the impact of the building itself would unbalance the established character and represent an incongruous and intrusive change to the local development pattern. In this regard the proposal is considered contrary to the advice of SPG3 and the test of PPS1: 'Delivering Sustainable Development' which states that design which is inappropriate in its context, or which fails to take the opportunity available for improving the character and quality of the area should not be accepted.

Signed *Stephen Moralee*

Assistant Director, Planning and Transportation

Dated 04 June 2010

- 3 The proposed access arrangements are considered to be unacceptable. The distance from the public highway exceeds a distance of 25m and does not make provision for suitable turning facility for a refuse or fire appliance as identified/required within SPG3. The development proposal is therefore contrary to the advice of T2a which requires that all roads, footways, private drives, vehicle manoeuvring areas and points of access serving development must be designed and constructed in accordance with the appropriate standards of the Authority.

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.