BARNSLEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2016/0343

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

Proposal Outline planning application for demolition of existing dwelling and erection of 2 no. detached dwellings and 1 no. bungalow with associated works including details of access and layout
At 714 Doncaster Road, Ardsley, Barnsley, S71 5EF

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 11 April 2016 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 The design and layout of the proposed development would compromise privacy, light and outlook for existing residents contrary to Core Strategy policy CSP29, Unitary Development Plan policies H8A and H8D, the Council's SPD: Designing New Housing Development and the National Planning Policy Framework core planning principle relating to high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Signed

Head of Planning and Building Control

Dated 11 July 2016

Development Service **Telephone: 01226 - 773555**
PO Box 634, Barnsley, S70 9GG **Fax: 01226 - 772591**

2 The provision of two detached houses and a detached bungalow, accessed by a long, shared, private drive located on the western edge of the site, with an associated turning and manoeuvring area, would intensify both vehicular and pedestrian movements adjacent to the rear gardens/boundary of the existing properties on Hillside, adversely impacting on residential amenity in terms of noise and general disturbance, contrary to Core Strategy policy CSP29, Unitary Development Plan policies H8A and H8D, the Council's SPD: Designing New Housing Development and the National Planning Policy Framework core planning principle relating to high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Whilst the proposed acoustic fence and landscape buffer zone would partially mitigate the potential impacts, they are likely to result in additional amenity impacts in terms of loss of outlook and light. Furthermore, the access and turning arrangements being adjacent to and to the rear of the rear gardens of the proposed detached houses, would adversely impact on the amenity of the occupiers of these properties.

3 Given the size, shape and level constraints of the application site, the overall quantum of development comprising of three detached dwellings, parking/garaging, and access road and turning space, would appear cramped, and as such would be harmful to the character and appearance of the area, contrary to Core Strategy policy CSP29, Unitary Development Plan policy H8D, the Council's SPD: Designing New Housing Development and the design objectives of the National Planning Policy Framework.

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.

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