BARNSLEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2006/1810

To Mr J Blackburn
166 Churchfield Lane
Darton
Barnsley
S75 5EA

Proposal Erection of a detached garage with Granny Flat above.
At 109 Greenside Mapplewell Barnsley S75 6AX

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 01 November 2006and 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 UDP Policy H8E and Supplementary Planning Guidance Note 4, in that it would be an undesirable form of development, materially detrimental to the amenities of the adjoining properties by reason of its overbearing impact . In addition the proposal is not considered to adhere to the existing character of the street scene due to its large scale and prominent siting.

Signed
Assistant Director, Planning and Transportation

Dated 07 February 2007

Planning and Transportation Service
Central Offices, Kendray Street, Barnsley. S70 2TN
Telephone: 01226 - 772600
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.

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Appeal Decision

Site visit made on 10 July 2007

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:8 August 2007

Appeal Ref: APP/R4408/A/07/2037615
109 Greenside, Mapplewell, Barnsley S75 6AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr M Griffiths against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2006/1810, dated 20 October 2006, was refused by notice dated 7 February 2007.
- The development proposed is a detached garage with accommodation above.

Decision

1. I allow the appeal, and grant planning permission for a detached garage with accommodation above at 109 Greenside, Mapplewell, Barnsley S75 6AX in accordance with the terms of the application, Ref 2006/1810, dated 20 October 2006, and the plans submitted with it, subject to the following conditions:-

   1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.

   2) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 109 Greenside, Mapplewell.

Procedural Matters

2. The decision notice makes reference to Barnsley Unitary Development Plan (UDP) Policy H8E and Supplementary Planning Guidance (SPG) 4 - *House Extensions* but the Council in their statement refer to UDP Policy H8D, and SPG 3 – *Residential Development*. For the purpose of my decision I shall have regard to the Policy and SPG referred to in the Council's statement, since these are more relevant.

Main Issues

3. I consider that the main issues in this case are the effect of the proposal on the *living conditions of the residents of the surrounding properties and the effect* on the character and appearance of the area.

Reasons

4. In my opinion, an independent dwelling in this location would have an adverse effect on living conditions at numbers 83-89 Greenside as a result of increased

vehicular and pedestrian traffic passing close by their front windows. However, the proposal is for a residential annexe for use by the parents of the occupiers of 109 Greenside when visiting from abroad. The additional traffic would not be a permanent feature therefore and would be likely to occur during visits to 109 Greenside in any event. The appellant has agreed to condition (2) above that would restrict the occupation of the dwelling and on that basis I consider that the proposal would not harm living conditions at 83-89 Greenside.

5. If the annexe were to be used on a more permanent basis in the future, under the terms of the occupancy condition, my view is that its size would limit the number of people able to reside in it and thus the degree of vehicular traffic, noise and disturbance. Consequently I consider that the occupation of the annexe, even on a more permanent basis, would not harm living conditions at 83-89 Greenside. As the use of the annexe would be under the control of the residents of No 109, no harm to their living conditions from noise and disturbance would be likely to arise.

6. Given the distance of the proposed building from the dwelling at 21 Butterton Close and the fact that the appeal site is lower, I consider that the building would not be so overbearing that it would harm living conditions at 21.

7. The character of Greenside is high-density terraced dwellings; I consider therefore that the siting of an additional modest ancillary building in this location would not constitute an undesirable form of development.

8. The development plan consists of the Barnsley Unitary Development Plan (UDP). The Council have also adopted Supplementary Planning Guidance for Infill Residential Development. UDP Policy BE6 seeks to achieve good design standards and Policy H8D seeks to ensure that small-scale infill, backland and tandem development does not harm living conditions or the local environment. SPG3 seeks to avoid the introduction or intensification of vehicular and pedestrian movements close to an existing dwelling or its garden and to ensure that proposed dwellings have adequate garden space. I consider for the reasons given above that the proposal, on the basis of it being a residential annexe, would comply with UDP Policies BE6 and H8D and advice contained within the SPG.

9. Turning to the matter of suggested conditions, I consider that a condition in respect of materials is unnecessary, since these are specified on the application form and plans, as is a condition requiring work to be carried out in accordance with the plans since the approval is based on the submitted plans. Both conditions would thus be contrary to guidance set out in Circular 11/95 *The Use of Conditions in Planning Permissions*.

10. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Louise Crosby

Inspector