



## **REFUSAL OF PLANNING PERMISSION**

TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO. 2023/0266**

**To** Mr John Mee  
79 Barnsley Road  
Dodworth  
Barnsley  
S75 3JS

**Proposal** Erection of detached double garage to side/front of dwelling

**At** 79 Barnsley Road, Dodworth, Barnsley, S75 3JS

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 23/03/2023 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 result in an unsympathetically sized and poorly designed garage which features an excessive width (8.05m) in comparison to the width of the existing width of the host dwelling (4.25m), alongside a proposed footprint size which exceeds that of the host dwelling as well as the incorporation of an unsuitable flat roof which does not match the host dwelling, or relate well to the design characteristics of the surrounding area. The design concerns are compounded by the fact that the outbuilding would be in a visible and prominent position within the site, ahead of the principal elevation of the dwelling, on a main road and is in clear view of the nearby public realm and in direct view of several neighbouring residential properties, forming an incongruous feature within the street scene. The proposal is therefore contrary to Local Plan Policy, D1: High Quality Design and Place Making, the Supplementary Planning Document (SPD): House Extensions and Other Domestic Alterations and paragraph 134 of the NPPF in that it is of a poor design which does not successfully maintain the existing character of the area and has a harmful impact on visual amenity.

- 2 The proposed development would result in the rear elevation being positioned on a section of the site which forms the rear boundary line which is in close proximity to the rear elevation of a neighbouring property (no. 46 Mitchelson Avenue) which features a window facing onto the proposed rear elevation of the proposed outbuilding at a separation distance of 10m, which is less than the required 12m separation distance expected between habitable windows and blank gable walls. Further, the garage is positioned in an area on site which provides no. 46 with its only sense of outlook and source of natural light into the rear garden area which would be obstructed by the garage and will lead to a much greater sense of enclosure, loss of outlook and light. In the opinion of the Local Planning Authority, the proposed development will have a significant detrimental impact on the residential amenity of the neighbouring residents in the sense that it will lead to a much greater sense of enclosure, loss of outlook and loss of light contrary to Local Plan Policy GD1: General Development and the Council's Supplementary Planning Document (SPD): House Extensions and Other Domestic Alterations.
- 3 The proposed garage is positioned on an area within the site which forms the primary amenity area for the property and will lead to a disproportionate area of the existing garden space being removed to make way for the proposed development, having a detrimental impact on the amenity enjoyed by the existing and future residents of the dwelling and harming the living conditions of the dwelling contrary to the Council's SPD for House Extensions and Other Domestic Alterations and Local Plan Policy GD1.

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed

Dated: 23 May 2023

A handwritten signature in black ink, appearing to read 'JM Jenkinson', written in a cursive style.

Joe Jenkinson  
Head of Planning, Policy and Building Control

## NOTES:-

### Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.\*

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:  
28 days of the date of service of the enforcement notice, or within twelve weeks of the date of this notice, whichever period expires earlier. \*

As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision, then you must do so within twelve weeks of the date of this notice. \*

As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within twelve weeks of the date of this notice. \*

As this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision, then you must do so within eight weeks of the date of receipt of this notice. \*

If you want to appeal against your local planning authority's decision, then you must do so within twelve weeks of the date of this notice. \*

\*delete where inappropriate

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate> If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

## **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.