Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

Name and Address of Applicant
Mr I McKensie
10 Hunt Lane
Witherley
Atherstone
Warwickshire
CV9 3LH

Name and Address of Agent (if any)
R John Craddock Associates
Dugdale House
25/27 Dugdale Street
Nuneaton
Warks
CV11 5QJ

Part I - Particulars of Application

Date of Application	**Application No.**
12 December 2008	08/01147/FUL

Particulars and location of development:

EXTENSIONS AND ALTERATIONS TO DWELLING (REVISED SCHEME)

10 Hunt Lane Witherley Atherstone CV9 3LH

Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council refuses to permit the carrying out of the development referred to in Part I hereof for the following reason:-

1. The proposed extensions by way of their siting to the side of the dwelling and the restricted space between the dwelling and no.8 Hunt Lane and overall design, results in an unacceptable form of development that is to the detriment of visual amenity and the character of the street scene. It is the opinion of the local planning authority that the development will result in a cramped built form that is of a poor physical relationship with both the existing dwelling and no.8 Hunt Lane, resulting in the loss of the recognisable space between the two dwellings that defines the character of these two detached dwellings and the wider character of this area of Witherley. The two storey rear wall and mono-pitch arrangement of the extension fails to respect or compliment the character of the existing dwelling, results in an unnecessary overbearing form of development, and will result in additional overlooking of the private rear garden of no.8 Hunt Lane. In all respects the proposal is contrary to the requirements of Policy BE1 of the Adopted Hinckley and Bosworth Local Plan and the Council's Adopted Supplementary Planning Guidance on House Extensions.

T. M Prowse

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

Date :28 January 2009

IMPORTANT – PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

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1. It will be most helpful if the application number shown overleaf is quoted on all correspondence.

2. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission he may appeal to the Planning Inspectorate in accordance with Section 78 of the Town and Country Planning Act 1990 within **six months (see para 2a below)** of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Room 305(K), Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or by telephoning 0117 372 6372). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, (or could not have been so granted otherwise than subject to the conditions imposed by them,) having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

2a. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 14 October 2004 must be made within **six months** of the date of this notice.

3. If permission to develop land is refused whether by the Local Planning Authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

4. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

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