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 Paul Kendall
33 Barton Road
Nuneaton
Warwickshire
CV13 0ER
United Kingdom

Name and Address of Agent (if any)
Mr Anthony Ibbitson
Unit 13
Barwell Business Centre
Arthur Street
Barwell
Leicestershire
LE9 8GZ

Part I - Particulars of Application

Date of Application	**Application No.**
5 March 2009	09/00164/FUL

Particulars and location of development:

DEMOLITION OF EXISTING SHEDS AND ERECTION OF DETACHED GARAGE AND STUDY

33 Barton Road Barlestone Nuneaton CV13 0ER

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(s) :-

1. It is the opinion of the local planning authority that the proposed building, by nature of its siting, scale, design and mass represents over development and an overbearing and visually dominant form of development in this undeveloped backland location. The development would be out of character with the surrounding area and to the detriment of visual amenity in the locality but particularly that within Copedale Close. For these reasons the proposal is contrary to the requirements of Policy BE1 of the Adopted Hinckley and Bosworth Local Plan and the intentions of the Council's Adopted Supplementary Planning Guidance on House Extensions.

2. It is the opinion of the local planning authority that the proposed building, by nature of its siting, scale, design and mass and its orientation to Copedale Close, is tantamount to a new dwelling in this undeveloped backland locality. The building fails to provide any amenity space to the detriment of any occupiers, and by virtue of its siting will be to the detriment of the amenities of the host property no.33 Barton Road and to the amenities currently enjoyed by the occupiers of nos.31 and 35 Barton Road. In this respect 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 New Residential Development.

3. It is the opinion of the Local Planning Authority that as the proposal is tantamount to a new dwelling by virtue of its siting, scale, design and mass, the lack of any financial contribution to address the increase in pressure placed on play and open space facilities of the local area by the proposed development would not accord with Circular 5/05, Policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Adopted Borough Council's Supplementary Planning Document on Play and Open Space.

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

Notes to Applicant:-

1. List of plans used in the determination of this application:- D/1352/1/PD 1 and D/1352/1/PD 2.

T. M Prowse

Date :22 April 2009

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

NOTES

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

2. 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 12 weeks 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.

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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