



NOTICE OF REFUSAL OF PLANNING PERMISSION
Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure)
(England) Order 2015

Contact Name and Address:

Big Tree Planning Ltd
FAO Mr Sam Grant
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Newcastle upon Tyne
NE1 1DE

Application No: ST/0896/15/FUL

Date of Issue: 15/01/2016

In pursuance of their powers under the above mentioned Acts, South Tyneside Council as Local Planning Authority **REFUSE** planning permission for the following development:

PROPOSAL: Erection of two-storey detached residential dwelling with single-storey detached garage and associated garden. Vehicle and pedestrian access from Barns Close

LOCATION: Land East of 16 Barns Close, Monkton, Jarrow, NE32 5NY

In accordance with your application dated 09 September 2015

REASON(S) FOR REFUSAL:

- 1 The proposed development would result in the loss of part of the existing informal open space that currently provides a green buffer separating the Monkton Conservation Area from Jarrow. The encroachment into this open space would erode the semi-rural character of this part of the Monkton Conservation Area. Furthermore the proposed development would adversely affect the setting of and harm important views into and out of the Monkton Conservation Area. As such, the proposal would be contrary to policies DM1 A and C, DM6 B and to the development principles contained within SPD17 CA-M1 A, B, C and D.
- 2 The proposed two storey detached house, by reason of its design would not respect the scale or design of nearby buildings or the wider streetscape and would result in a development that would be detrimental to the character and appearance of the Monkton Conservation Area. As such, the proposal would be contrary to policies DM1 A and C, DM6 B and to the development principles contained within SPD17 CA-M1 A, B, C and D.
- 3 The siting of the proposed dwelling close to the heavily treed boundaries of the site would result in significant overshadowing of the house and the garden area and reduce the outlook from the proposed dwelling to the detriment of the residential amenity enjoyed by future residents. The measure proposed to mitigate this impact is the removal of three protected trees T8, 9 and 10, which are growing on land outside the site boundaries and not in the control of the applicant. There is no health, safety or structural reason to support the proposal to fell these trees which were protected due to the positive contribution they make

to the character of the conservation area. Their loss would have an adverse impact on the appearance and character of the conservation area. The development would be contrary to policies DM1 A, B and C, DM6 B and to the development principles contained within SPD17 CA-M1 A, B, C and D.

- 4 The development of the dwelling would be likely to lead to requests by the future occupiers of the development to have the trees along the site boundary either removed or heavily pruned. Such requests would be to the detriment of the trees and to the character and appearance of the Monkton Conservation Area. Furthermore, the construction of the dwelling may cause unavoidable damage to the protected trees due to the significant overhanging of the canopies and the root protection areas within the construction area. The proposal is considered to be contrary to policy DM1 A, and C, DM6 B and to the development principles contained within SPD17 CA-M1 A, B, C and D.

NOTES TO APPLICANT:

For the avoidance of doubt this decision relates to the following plans and/or specifications:

Drg No G/60/00 received 24/09/2015

Drg No G/60/01 Rev C received 24/09/2015

Drg No G/60/02 Rev B received 24/09/2015

Drg No G/60/03 Rev B received 24/09/2015

- 1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework (paragraphs 186 & 187) to seek to approve applications for sustainable development where possible. However, the proposed development is contrary to the policies referred to in the reason(s) for refusal and it has not been possible to reach an agreed solution in this case.



George Mansbridge
Head of Development Services

Your attention is drawn to the attached schedule of notes which form part of this notice

NOTES

APPEALS TO THE SECRETARY OF STATE

1 Only the applicant possesses the right of appeal

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.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice but if the local planning authority's decision was to refuse planning permission for a minor commercial application then you must do so within 12 weeks of the date of this notice unless:

- If 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 no. if applicable], 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; or
- 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 6 months, or 12 weeks in the case of a minor commercial appeal, of the date of this notice, whichever period expires earlier.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

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.

PURCHASE NOTICES

- 2 If permission to develop land is refused, whether by South Tyneside Council as local planning authority or by the Secretary of State for Communities and Local Government, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of 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, requiring 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.

