
Appeal Decision

Site visit made on 31 January 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 9th February 2017

Appeal Ref: APP/P4415/W/16/3163020

37 Ivanhoe Road, Thurcroft, S66 9EF

- 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 Ray Davis against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2016/0215, dated 12 February 2016, was refused by notice dated 22 July 2016.
 - The development proposed is new dwelling at land adjacent 37 Ivanhoe Road and new access to No 37.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It has been confirmed that the appellant's name was incorrectly spelt on the original application and associated documentation. For the avoidance of doubt, I have used the corrected spelling, as confirmed in writing.

Main Issues

3. The main issues are the effect of the proposed development on the (a) character and appearance of the area and (b) the living conditions of future occupants with specific regard to outdoor amenity space and privacy.

Reasons

Character and Appearance

4. The appeal site forms part of the side garden of No 37 Ivanhoe Road, a 2-storey semi-detached property located in a corner plot at the junction between Ivanhoe Road and Zamor Crescent. The appeal site is prominent within the street scene due to the width of the junction and the size of the garden which is bounded by a low close-boarded fence.
 5. Properties in the area are 2-storey semi-detached or terraced dwellings, along with 2-storey flatted accommodation blocks. These are of a relatively low density and properties are set back from the road with generous gardens. Dwellings located within corner plots have the benefit of larger garden areas. Overall the area has a spacious and open character.
 6. The proposed dwelling would be orientated to face onto Ivanhoe Road and would effectively infill the side garden of No 37. It would be set forward from
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the row of semi-detached properties along the length of this highway and would also be forward of the flatted accommodation blocks along Zamor Crescent. This set forward would be by around 1.3m and 1.8m respectively.

7. I find that the proposed dwelling would lead to a significant reduction in the size of the garden of No 37. The forward location of the dwelling within the plot would also be in stark contrast with the open character afforded by the set back of dwellings from the highway.
8. The overall effect would therefore be a visibly cramped form of development which would be at odds with the general, more spacious character of the area. This effect would be particularly noticeable, given the prominence of the appeal site within the street scene, and I find that the proposed dwelling would represent a conspicuous form of development in the street scene, causing harm.
9. The addition of a dwelling in this location would therefore fail to respond to the general pattern of development and overall I conclude on this matter that the development would be harmful to the character and appearance of the area. The development therefore fails to accord with Policy CS28 of the Rotherham Local Plan Core Strategy 2014 (CS) which requires development proposals to be responsive to their context, taking into account density and layout.

Living conditions

10. The adopted South Yorkshire Residential Design Guide Supplementary Planning Document 2011 (SPD) sets out, amongst other things, amenity space standards for dwellings. For a 3-bed dwelling, the SPD states that the back garden should be at least 60 square metres and 50 square metres for a 2-bed dwelling. The SPD recognises that smaller gardens may be acceptable in corner properties if privacy and daylight can be maintained.
11. The dwelling would be sited around 5m away from the boundary with Flats 2 and 4 Zamor Crescent and would be built up to the shared side boundary with No 37. To the first floor of the flatted accommodation is a window serving a kitchen which overlooks onto the appeal site.
12. The proposed development would be relatively exposed due to its location on a corner plot. Its garden would be open and would surround the dwelling on three sides. However, excluding the 2no car parking spaces, the rear garden would be a particularly small area. Furthermore, while I understand that the windows overlooking into the appeal site is considered to be a secondary window, it does serve a habitable room. I therefore consider that the combination of the small scale of the rear garden and the overlooking would adversely affect the living conditions of future occupants of the proposed dwelling.
13. The appellant contends that, although the plans relate to a 3-bed dwelling, the 3rd bedroom is small and would not conform to internal space standards in the SPD. The square meters are also said to exceed the outdoor space standards. However, as the Council did not raise any specific concern regarding internal spaces, and the appeal proposals before me clearly relate to a 3-bed dwelling I have determined the appeal on that basis. It is also unclear to me whether the appellant has calculated the rear garden area including two parking spaces, as

the SPD is clear that space for parking to the rear of buildings must be in addition to any required garden or amenity space.

14. In any case, from my own observations as well as the evidence before me, I consider that the scale of the rear garden would be disproportionately small in comparison to the overall size of the proposed dwelling and due to the nature of the corner plot, overlooking and a general lack of privacy, I consider that living conditions of occupants would be harmed.
15. I note that the total size of the garden including the side would be larger, however this would not be private. I am also mindful that any future enclosure of the garden to increase privacy could also have implications in respect of character and appearance given the prominence of the plot and its corner position.
16. On this matter I therefore conclude that the proposed development would cause harm to the living conditions of future occupants in respect of privacy, and lack of outdoor garden space. Accordingly, the proposals would conflict with the SPD and paragraph 17 of the Framework which seeks to secure good standards of amenity.

Other Matters

17. My attention has been drawn to two examples of infill development within corner plots. However, I do not have the full details of the circumstances of these cases, and I note that these are both in a different settlement to the appeal site. In any case I have determined the appeal based on its own merits.
18. I note the detailed correspondence in respect of pre-application advice and subsequent discussions, although I have not been provided copies of the Council's responses, other than a copy of an email relating to parking. I therefore have no reason to consider that the alleged advice was anything other than informal. In any case, under section 78 of the Town and Country Planning Act 1990, it now falls to me to determine the appeal, and I have done so based upon the submitted evidence and the planning merits of the case.
19. Reference is also made to a requirement for a s106 agreement, although I have no details regarding what this would relate to, nor has one been submitted as part of the appeal. I have therefore not taken account of this in my determination of the appeal.

Conclusion

20. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

C Searson
INSPECTOR