
Appeal Decision

Site visit made on 6 February 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 24 February 2017

Appeal Ref: APP/P4415/D/16/3162794
42 Patterdale Way, North Anston S25 4JS

- 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 V Lax against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2016/1055, dated 11 February 2016, was refused by notice dated 3 October 2016.
 - The development proposed is "demolition of garage and erection of single storey side extension with rooms in the roof space including front & rear dormer windows and single storey rear extension".
-

Decision

1. The appeal is dismissed insofar as it relates to the demolition of garage and erection of single storey side extension with rooms in the roof space including front & rear dormer windows. The appeal is allowed and planning permission is granted insofar as it relates to the single storey rear extension at 42 Patterdale Way, North Anston S25 4JS, in accordance with the terms of the application, Ref RB2016/1055, dated 11 February 2016, and the plans submitted with it, so far as relevant to those parts of the development hereby permitted and subject to the following condition:
 - 1) The development hereby permitted, insofar as it relates to the single storey rear extension only, shall be carried out in accordance with the following approved plans: Location Plan; 7353 & 7354.
 - 2) The materials to be used in the construction of the external surfaces of the single storey rear extension hereby permitted shall match those used in the existing building.

Procedural Matters

2. The description of development provided by the application form has been updated in subsequent documents. I adopt the description of development provided by the appeal form accordingly. In the interest of certainty, this appeal is determined on the basis of the plans submitted as part of the application and upon which the Council made its decision. At the time of my visit, excavations of foundations had taken place to commence development of a single storey rear extension.
 3. The Council's decision notice makes reference to harm to the living conditions of 46 and 48 Patterdale Way. However, although not referenced in the reasons for refusal, the evidence before me indicates that harm was identified in terms
-

of the living conditions of the immediately adjacent property which is addressed as 44 Patterdale Way. I have determined the appeal on that basis.

Main Issues

4. The main issues are:

- the effect on the character and appearance of the host property and the surrounding area.
- the effect on the living conditions of occupiers of neighbouring properties, with particular regard to Nos. 44, 46 and 48 Patterdale Way and outlook.

Reasons

Character and appearance

5. The appeal site consists of a two storey semi-detached dwelling located adjacent to the turning head of a cul-de-sac within a residential area which includes a mix of two storey semi-detached, detached and terraced dwellings, together with bungalows on the opposite side of the cul-de-sac. The property has a pitched roof, an existing garage with a flat roof at the side and a porch at the front. The front building line of the property is set back behind the rear elevation of No 44 to the western side. The property has an irregular side boundary where it adjoins Nos. 48 and 50. The rear elevations and rear gardens of those properties face towards the side of No 42 and its rear garden.
6. Policy CS28 of the Rotherham Local Plan Core Strategy 2013 -2028 (CS), adopted September 2014, amongst other things, seeks to ensure that development proposals are responsive to their context and design takes all opportunities to improve the character and quality of an area and the way it functions. The policy is supplemented by the Rotherham Householder Design Guide - Interim Planning Guidance (IPG), adopted March 2014.
7. Notwithstanding the varied character of bungalows nearby, No 42 is part of a group of houses on the northern side of the cul-de-sac that although not identical, share a similar style and architectural detailing. The related proportions of the individual dwellings and repeated common features such as window positions create a distinctive rhythmic character.
8. The proposal would replace the existing garage with a side extension incorporating a catslide roof towards the boundaries with Nos. 44 and 48 and with a front projection that would adjoin the porch. The side extension would include front and rear dormers within the catslide roof to provide roofspace accommodation. A separate single storey rear extension is also proposed.
9. The proportions of the side extension would be subordinate to the host property due to the reduced ridge height of the roof and narrower width, and it could be finished in materials to match the existing dwelling. Furthermore, the set back position of the front building line relative to No 44 and the design of the extension would reduce its prominence beyond the cul-de-sac and prevent a perception of terracing. Nonetheless, the depth and angle of the catslide roof of the extension and the inclusion of a front dormer would cause it to be viewed as an incompatible and incongruous addition when viewed against the simple pitched roof form of the host dwelling. The resultant effect would also cause an imbalance of the appearance of the semi-detached pair which would disrupt the rhythm of the properties on the northern side of the cul-de-sac.

Consequently, the side extension would have a detrimental effect on the character and appearance of the host property and the surrounding area.

10. The guidance in the IPG does not specifically preclude the type of side extension proposed. However, the effect on the character of the host property and its surroundings is necessarily considered on its own merits. The appellant has provided a plan as part of the appeal submission which includes only partial details of an alternative design submitted to the Council. The amendments would reduce the ridge height of the roof of the side extension, decrease the size of the rear dormer to a narrow link section and lower the eaves height at the rear to match the single storey rear extension. However, the amendments would not overcome the harm identified with respect to the depth of the catslide roof and inclusion of a front dormer.
11. I conclude that the demolition of the garage and erection of a single storey side extension with rooms in the roof space including front & rear dormer windows would significantly harm the character and appearance of the host dwelling and the surrounding area. This element of the proposal would, therefore, conflict with Policy CS28 of the CS. The policy is consistent with the design objectives of the National Planning Policy Framework (the Framework).
12. The Council have not expressed any concerns with respect to the design and appearance of the proposed single storey rear extension. Based on the evidence before me and observations during my visit to the site, I have no reason to take a different view. The single storey rear extension is separate from the side extension and would be viewed as a subordinate addition to the rear of the property that accords with the guidance in the IPG. The extension would be well screened from public vantage points by the position of surrounding properties and matching materials could be secured by condition.
13. I, therefore, conclude that the single storey rear extension would be acceptable in terms of its effect on the character and appearance of the host property and the surrounding area and therefore complies with Policy CS28 of the CS and the Framework in that regard.

Living conditions

14. Policy CS28 of the CS, insofar as it seeks that design should take all opportunities to improve the character and quality of an area and the way it functions, is supplemented by the IPG which provides guidance in terms of overshadowing, outlook and privacy. These considerations relate to the living conditions of occupiers of neighbouring properties and are consistent with the Framework which seeks a good standard of amenity for all existing and future occupants of land and buildings.
15. No 44 is a two storey semi-detached house that has an existing car port extension at the side, together with a single storey rear extension located towards No 46 and therefore, set away from the side boundary with No 42. The existing flat roofed side garage of No 42 is located adjacent to the rear garden of No 44. However, the proposed side extension would increase the scale, bulk and massing of built form adjoining the boundary which would have a considerable overbearing effect upon a significant proportion of the rear garden of No 44. The existing position of No 42 to the north east of No 44 and to the east of its rear garden would prevent a significant increase in overshadowing or loss of light to the property and its rear garden.

Nevertheless, the harmful overbearing effect of the side extension on the outlook of No 44 would harm the existing living conditions of its occupiers.

16. The side extension would be located immediately to the south east of the shallow rear garden of No 48, adjoining the side boundary and an existing shed. The depth of the side extension would consist of only part of the side elevation of No 42, due to the narrowed distance to the side boundary with Nos. 48 and 50 towards the rear of the property. This would result in an offset relationship to the rear elevation of No 48 reducing the effect on the outlook from habitable windows. Nevertheless, the increase in scale, bulk and massing of built form immediately adjacent to the boundary, when compared with the modest height of the existing flat roofed garage and shed, would have a significant overbearing and overshadowing effect upon the majority of the rear garden of No 48. This effect would significantly harm the amenity of the existing rear garden and, therefore, would have a detrimental impact upon the living conditions of occupiers of No 48.
17. The increased separation distance from the side extension to No 46 and its rear garden, which are located to the opposite side of No 44, would prevent a harmful effect in terms of overbearing, overshadowing or loss of light to the outlook from that property. Similarly, the relationship of the side extension to No 50 and its rear garden, located to the north of No 48, would be more distant and would not be harmful. However, the absence of concern with respect to the living conditions of occupiers of Nos. 46 and 50 is a neutral factor.
18. Turning to matters of privacy, the absence of proposed windows in the side elevation of the side extension would prevent direct overlooking or a loss of privacy to the habitable windows in the rear elevations and rear gardens of Nos. 44, 46 and 48. Furthermore, the position of the front dormer would only directly overlook the car port of No 46 and have oblique views of its rear elevation which would not result in a harmful loss of privacy. In addition, as the rear dormer window serves a bathroom, it would be capable of being obscure glazed by condition to prevent harmful overlooking and a loss of privacy to the rear gardens of Nos. 48 and 50. Nevertheless, the absence of concern with respect to matters of privacy is a neutral factor which does not justify the harm otherwise identified.
19. In reaching the above findings, I have taken into account the partial details provided by the appellant of an alternative design submitted to the Council. However, the marginal reduction in height of the side extension and reconfiguration of the rear elevation, including the reduction in width of the rear dormer, would not overcome the harm identified.
20. I conclude that the demolition of the garage and erection of a single storey side extension with rooms in the roof space including front & rear dormer windows would significantly harm the living conditions of occupiers of Nos. 44 and 48 Patterdale Way. This element of the proposal would, therefore, conflict with Policy CS28 of the CS and the Framework.
21. Notwithstanding the above, the single storey rear extension would be of a modest height at the rear of the property with adequate separation distance and boundary screening to prevent an overbearing or overshadowing effect on outlook or loss of privacy to Nos. 44, 46, 48, 50 and 52 and their rear gardens. The rear extension would be located adjacent to the boundary with the adjoining No 40. However, its limited depth and height would ensure no

harmful overbearing or overshadowing effect upon the nearest ground floor windows in the rear elevation or rear garden of that property. Furthermore, the absence of windows in the facing side elevation and presence of existing boundary screening would prevent overlooking or a loss of privacy to No 40.

22. I, therefore, conclude that the single storey rear extension would be acceptable in terms of its effect on the living conditions of occupiers of neighbouring properties and therefore complies with Policy CS28 of the CS, the associated guidance in the IPG and the Framework in that regard.

Other Matters

23. I have taken into account that there are examples of other extensions in the surrounding area, including two storey side extensions which I observed at Nos. 38 and 46 nearby. However, the designs of the existing side extensions and relationships to surrounding properties are different. Furthermore, the full details of the circumstances which led to those extensions are not before me. In any case, the presence of existing side extensions does not justify a proposal that I consider would be harmful.
24. The appeal property has a driveway of significant depth due to its set back position relative to No 44 and its location adjacent to the turning head of the cul-de-sac. Consequently, the loss of the existing garage would not prevent adequate space for off street parking to serve the property being provided on the driveway. The proposal would not, therefore, have a harmful effect on highway safety or existing parking arrangements in the cul-de-sac. However, the absence of concern in this respect is a neutral factor which does not justify the harm otherwise identified relating to the side extension.

Conclusion

25. For the reasons given above, I conclude that the appeal should be dismissed insofar as the appeal relates to the demolition of garage and erection of single storey side extension with rooms in the roof space including front & rear dormer windows. However, the appeal should be allowed and planning permission granted insofar as it relates to the single storey rear extension. The respective parts of the development are clearly severable as a split decision.

Conditions

26. The Council provided a list of conditions if the appeal were to be allowed. As excavations have taken place to commence work on a single storey rear extension, a condition relating to the time limit for implementation is not necessary. However, to provide certainty of the planning permission granted, a condition is required to specify the approved plans and the relevant part of the development to which they relate. A further condition is also necessary to ensure matching materials in the interest of the character and appearance of the host property and the surrounding area.

Gareth Wildgoose

INSPECTOR