
Appeal Decision

Site visit made on 13 June 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 27th June 2017

Appeal Ref: APP/P4415/W/17/3171705

15 Bole Hill, Treeton, Rotherham, South Yorkshire S60 5RA

- 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 Sean Armitage against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2016/1689, dated 12 December 2016, was refused by notice dated 22 February 2017.
 - The development proposed is the demolition of existing side extension, proposed detached dwelling and construction of block paved car parking and dropped kerb/vehicle crossing.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area, and on the living conditions of the occupiers of 15 Bole Hill, in particular by way of visual impact and outlook.

Reasons

Character and Appearance

3. The appeal site comprises the side extension and the majority of the rear garden of No 15. The roof space of the extension provides first floor accommodation and contains a dormer window on the front roof slope. The extension is set in from the boundary, which is enclosed by a wall.
 4. No 15 is a two storey semi-detached house which is found in a row of comparable properties. They are of a similar design and simple form, and some have subordinate single storey extensions and garages. A public footpath separates the appeal site from No 17. The side wall of No 17's double garage is sited on the boundary with the footpath. The footpath links Bole Hill with Flatts Close to the rear. Land levels gradually rise up on this part of Bole Hill.
 5. The detached form of the proposed dwelling would be markedly different to the row of semi-detached houses within which it would be located. The siting forward of neighbouring properties at a full two storey height to eaves level would also make it prominent and incongruous in the streetscene. The existing extension projects forward a similar distance, although only at single storey
-

eaves level with the roof slope angling back, so it does not comprise the same appreciable departure from the building line compared to the proposed dwelling.

6. The proportions of the narrow front elevation would give the dwelling a vertical emphasis, compared to the more balanced appearance of the neighbouring dwellings. The height would reflect the increase in land levels up Bole Hill, although with the narrow plot width, it would be out of proportion. It would also extend at a two storey height from approximately 1 metre of the existing house up to, and on, the boundary with the footpath. This would appear from the streetscene as a cramped form of development on a confined plot.
7. The arrangement of the proposed dwelling to the rear, with a two storey gable ended element and then a further two storey lantern roof type structure, would give the appearance of a three storey staggered rear elevation. This would be wider than the front part of the dwelling, further adding to the incongruity of the development compared to the simpler form of neighbouring properties.
8. This would noticeably change the character and appearance from the footpath, from views over the rear gardens of properties to one that would be unduly dominated by the scale of dwelling. This would be apparent from the length of the footpath and as the side wall is approached on the boundary, it would appear as a domineering structure that would reduce the sense of openness between Bole Hill and Flatts Close. The extension is set in from the boundary and the side wall of No 17's garage is of considerably less scale. As such, they do not have this same level of effect on the footpath as would the side wall of the dwelling.
9. The use of render on the elevation facing No 15 would not be unduly noticeable due to the proximity of the two dwellings. The existing front area of the appeal site is already largely given over to parking and whilst an additional access off Bole Hill would be formed, driveway accesses are common in the area.
10. However, I conclude that the dwelling would significantly harm the character and appearance of the area, including the footpath. It would therefore fail to comply with Rotherham Local Plan Core Strategy 2013 – 2028 (2014) Policy CS 28 which requires development to respond to its context and for the design process to take into account character, including height, scale, massing and building styles.

Living Conditions

11. The rear of No 15 comprises a paved area and a long rear garden which decreases in levels to the rear of properties on Flatts Close. The rear elevation bedroom and kitchen main windows allow for an appreciable outlook over this sizeable rear garden. The existing extension only projects marginally past the rear of the original house, at single storey eaves level with the roof slope angling back.
12. The rear of the dwelling would extend substantially beyond the rear elevation of No 15 by roughly 10 metres, and approximately half, due to the levels, would appear at two storey height from the dwelling at No 15 itself. The width of the rear of the dwelling would result in its side wall projecting out to overlap with the rear of No 15, with only a narrow access path between the two dwellings providing separation.

13. This would create an enclosed and oppressive effect, and severely curtail the outlook from the kitchen window. I accept that the 45 degree line test as a 'rule of thumb' would be technically achieved where the side of the dwelling would appear as two storeys, although not where it would appear as a single storey. Therefore this does not overcome my concerns that arise from the effect on outlook.
14. This would also lead to a domineering visual impact from the paved area and much of the reduced rear garden of No 15, due to the proximity, length and height of the side wall of the dwelling, and as the levels would result it appearing at a two storey height along approximately two thirds of the garden boundary. The effect on the enjoyment of the use of the remaining rear garden by the occupiers of No 15 would be substantially diminished.
15. The privacy levels for the occupiers of No 15 would be adequately protected through use of obscure glazing, window positions and boundary enclosure, whilst rear elevation openings would be orientated over the rear garden and the angle would limit direct overlooking. The distance from the proposed dwelling to the properties on Flatts Close would be sufficient so as to protect the living conditions of their occupiers.
16. I conclude though the dwelling would unduly harm the living conditions of the occupiers of No 15 by way of visual impact and outlook. It would not comply with one of the planning principles in paragraph 17 of the National Planning Policy Framework because it would not secure a good standard of amenity for all existing and future occupiers of land and buildings.
17. In respect of Rotherham Unitary Development Plan Supplementary Planning Guidance, Housing Guidance 3: Residential infill plots (SPG) (1999), I find this of limited relevance to the appeal as it was prepared in response to planning applications to build additional dwellings within corner properties whose back gardens have road frontages. This is not a characteristic of the appeal site and the SPG is not decisive, beyond that the dwelling would not comply with the general protection it applies to the living conditions of the occupiers of neighbouring properties.

Other Matters

18. In respect of other dwellings where the appellant states the Council has granted planning permission, these are found some distance from the appeal site. I am satisfied the locations are sufficiently different in respect of character and appearance, and how they effect the living conditions of the occupiers of neighbouring properties, so as not to alter my conclusions.
19. I am mindful that the planning application subject of the appeal was amended in order to attempt to address concerns expressed by the Council, although I have determined the appeal on the basis of the proposal before me. I am also aware of comments made about how the Council dealt with the planning application, although this is not a matter for me to comment on in the context of this appeal.
20. I note points made by the appellant concerning the neighbouring properties that have not objected. However, this does not negate the requirement under this appeal to fully assess the main issues in order to reach a decision.

Conclusion

21. I conclude the appeal should be dismissed.

Darren Hendley

INSPECTOR