



Appeal Decision

Site visit made on 17 October 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 26th October 2017

Appeal Ref: APP/P4415/D/17/3180637

9 Church Green, Wath-upon-Dearne, Rotherham S63 6SL

- 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 and Mrs A Higgs against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2017/0521, dated 4 April 2017, was refused by notice dated 2 June 2017.
 - The development proposed is the addition of an upper storey to the dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of the neighbouring properties, in particular 46 West Street with regards to visual impact and overshadowing, and 7 Church Green with regards to visual impact and outlook.

Reasons

3. The appeal property is a detached dwelling located at the end of a cul-de-sac, which is split over three different levels. The property contains a single storey extension that, due to the ground levels, is set down from the main part of the house. This extension is located in close proximity to the side boundary wall of No 46's rear garden and is set on the boundary with No 7. The main side elevation of the appeal property is also located in close proximity to the rear boundary wall of the garden of No 46, so the built form of the property extends close to two boundaries with No 46.
4. The current extension is set at eaves level on the side of the boundary of No 46, because of the difference in ground levels between the two properties. The proposal would result in a significant increase in the height of the extension well above, and in close proximity to, this boundary. No 46's rear garden is relatively modest in length and the wall of the main side elevation of the appeal property is already highly prominent. The proposal would further enclose noticeably what is already a confined boundary arrangement between the two properties. With the proximity of the proposal to the boundary and its overall size and scale, I find that it would have a significant and detrimental visual impact on the occupiers of No 46 from the rear of their property.

5. Due to the proximity and the height of the main side elevation of the appeal property, it was evident from my site visit that a degree of overshadowing already occurs that reduces natural light to the rear of No 46. As the proposal would further increase the amount of built form around the boundaries, this would potentially increase overshadowing although natural light would still be evident above the proposed roof. Whilst the resultant overshadowing would not be decisive on its own, it would contribute to the adverse effects on No 46.
6. The proposal would be sited in close proximity to the side of No 7, separated by the width of a parking space. The side elevation of No 7 contains french doors and a window that would face directly to what would appear as a two storey gable end. The lower position of these side openings on No7, due to the ground levels between the two properties, would only exacerbate the overbearing effects that would result. With this proximity and height, it would significantly detract from the outlook from the side openings of No 7 and have a detrimental visual impact. Whilst the owner of No 7 has indicated there would not be such an impact, the planning system also seeks to protect the living conditions of future occupants from what would be, in this instance, unacceptable effects on their living conditions.
7. I conclude the proposal would cause significant harm to the living conditions of the occupiers of neighbouring properties, in particular No 46 with regards to visual impact and, to a lesser degree, overshadowing, and No 7 with regards to visual impact and outlook. As such, the proposal would not comply with paragraph 17 of the National Planning Policy Framework as it would not secure a good standard of amenity for all existing and future occupants of land and buildings. Similarly, it would not comply with the Rotherham Metropolitan Borough Council Householder Design Guide Interim Planning Guidance (2014) in relation to the design guidance it provides to protect living conditions.

Other Matters

8. The site lies within the Wath-upon-Deane Conservation Area. The part of the Conservation Area where the site is found comprises of relatively modern housing and the proposal would be broadly in keeping with these surroundings. The proposal would thus accord with the statutory duty under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as it would preserve or enhance the character or appearance of the Conservation Area. This does not, though, address the harm that would arise to the living conditions of the occupiers of neighbouring properties.
9. Whilst the appellants consider the proposal would support Government policy on extended families living together, this is not at the expense of the protection of the living conditions of the occupiers of neighbouring properties. I also note comments about discussions between the appellants and the Council. However, this is not a matter for me to comment on in the context of this appeal which I have determined on the basis of the proposal before me.

Conclusion

10. For the reasons set above, I conclude the appeal should be dismissed.

Darren Hendley

INSPECTOR