



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: 27th October 2017

Appeal Ref: APP/P4415/D/17/3180977

36 Boundary Green, Rawmarsh, Rotherham S62 6JF

- 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 Paul Rigby against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2017/0475, dated 27 March 2017, was refused by notice dated 22 May 2017.
 - The development proposed is the demolition of an existing garage and the erection of an attached garage to the side and rear.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing garage and the erection of an attached garage to the side and rear at 36 Boundary Green, Rawmarsh, Rotherham S62 6JF in accordance with the terms of the application, Ref RB2017/0475, dated 27 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.1 Block Plan; Drawing No.2 Proposed Site Plan (March 2017); Drawing No.3 Existing Elevations (March 2017); Drawing No.4 Proposed Elevations (March 2017); Drawing No.5 Existing & Proposed Floor Plans (March 2017); and Drawing No.6 Existing & Proposed Roof Plans & Section (March 2017).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 38 Boundary Green with regards to the visual impact and outlook.

Reasons

3. The appeal property comprises of a semi-detached house with various additions, including 2 storey side and rear extensions and a rear garage. The ground floor of the 2 storey side extension allows access to the rear and is maintained as a hardstanding. The garage is sited beyond this extension,

adjacent the boundary with No 38's rear garden. A small area in between the 2 storey side and rear extensions, and the garage, remains open. The boundary of this area with No 38 is defined by a close boarded fence of a height of roughly 1.8m, which also runs down the side of the garage. No 38 also has a 2 storey side extension.

4. The proposal would result, in effect, in the filling in of the small area between the 2 storey side and rear extensions, and the existing garage which it would also replace. This modest sized area is already substantially enclosed because of its proximity to the existing extensions. The proposal is of much less height than the existing extensions and, whilst it would result in the loss of this open area, it would be seen against their much larger backdrop. Where it would be closest to the boundary with No 38, it would be at eaves level and not significantly greater than the height of the boundary fence.
5. The proposal would also extend no further back adjacent the boundary with No 38 than the existing garage. The height adjacent to the boundary would also be similar to the existing garage. The roof slope of the proposal would then angle upwards towards the rear of the appeal site. This would take the massing of the roof area away from this boundary.
6. The potential cumulative effects with the existing extensions would be limited due to the modest height of the proposal, that it would replace the existing garage and as it would extend into an area that is already substantially enclosed. Therefore, the proposal would not, either on its own or cumulatively with the other extensions, unduly affect the outlook, nor cause significant detrimental visual impacts, despite its proximity to No 38 and its rear garden.
7. The proposal would not technically comply with the Rotherham Metropolitan Borough Council Householder Design Guide Interim Planning Guidance (2014) (IPG), because the length of the extension exceeds the guidelines in the IPG. However, individual site circumstances also need to be considered, including that the proposal would, in part, replace the existing garage. It would not result in overbearing impacts, which the IPG seeks that single storey extensions cumulatively avoid, and would protect living conditions, including in relation to outlook.
8. Whilst both the Council and the appellant refer to other extensions in the vicinity of the site, the effect on the living conditions of the occupiers of neighbouring properties is a matter which is to be considered on a case by case basis. I am satisfied that the circumstances of those schemes are sufficiently different so as not to alter my conclusions. I also note remarks about discussions between the appellant and the Council in relation to amending the proposal. However, this is not for me to comment on in the context of this appeal which I have determined on the proposal before me. Similarly, with regard to the exercise of 'permitted development' rights, there is not a dispute that the proposal requires planning permission, and I have dealt with it on that basis.
9. I conclude the proposal would not cause undue harm to the living conditions of the occupiers of No 38 with regards to visual impact and outlook. As such, the proposal would comply with paragraph 17 of the National Planning Policy Framework as it would secure a good standard of amenity for all existing and future occupants of land and buildings. Despite the breach of the guidelines in the IPG, the site specific circumstances would, in my view, result in the

proposal complying with the overall intention of the IPG that householders wishing to alter or extend their property protect the living conditions of the occupiers of neighbouring properties.

Conditions

10. In addition to the standard time limit condition (1), I have imposed conditions in the interest of certainty (2) and to safeguard the character and appearance of the building and the area through the use of matching materials to the existing building (3).

Conclusion

11. For the reasons set out above, I conclude the appeal should be allowed.

Darren Hendley

INSPECTOR