



Appeal Decision

Site visit made on 12 September 2019

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 8 October 2019

Appeal Ref: APP/P4415/C/18/3212893

The Poplars, Wood Lane, Treeton, Rotherham S60 5QS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr David Shepherd against an enforcement notice issued by Rotherham Metropolitan Borough Council.
 - The enforcement notice was issued on 26 September 2018.
 - The breach of planning control as alleged in the notice is: without planning permission, the unauthorised erection of a two storey side extension with rooms in the roof space on the premises (identified as edged in black and shaded in blue on the plan attached to the enforcement notice).
 - The requirements of the notice are (i) Demolish the two storey side extension to the premises. (ii) Make good the original gable end to reflect the existing brickwork. (iii) Clear the land of any remaining debris.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a) and the deemed planning application

Main Issue

2. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

3. The appeal site is a two-storey detached dwelling standing within its own plot. The development comprises a two-storey extension constructed in a red brick with grey concrete pantiles to match the existing building.
4. The Council's document adopted entitled 'Interim Planning Guidance - Householder Design Guide' (HDG) sets out guidelines for residential extensions. As a general principle, it states that the size and design of extensions should be subsidiary to the existing dwelling and allow the original building to remain

dominant. This is to be achieved by means of a lower roof line, and the setting back of the extension behind the front building line of the house.

5. In this case, the ridge of the extension has been set down from the existing ridge by around 0.3m, which is a small proportion of the overall height of the gable. I acknowledge that no specific dimension for a set down was communicated to the appellant during discussions with the Council, but it would be unusual for Council officers to take such a prescriptive approach to design. However, even if this set down was taken to be acceptable in its context, this is only one of the design factors to be considered.
6. The HDG further advises that two-storey side extensions should not exceed more than half the width of the original house. In this case, the original dwelling has a width of around 11.5m. The extension is approximately 6.2m wide, resulting in a 54% increase to the overall width of the building.
7. Additionally, two-storey side extensions should be set back by a minimum of 0.5m at first floor level on the front elevation. However, the new extension appears to span the width of the gable end of the house, with no notable set back from the front building line.
8. Taking the overall dimensions of the extension into account, I consider that the marginal set down of the roof is insufficient to achieve an acceptable degree of subservience. Instead, the excessive width of development and its lack of set back have resulted in a bulky extension which is out of proportion with the modest scale of the original house. It therefore dominates the building, and appears overly prominent in the street scene.
9. I thus conclude that the new extension unacceptably harms the character and appearance of the surrounding area, contrary to Policy CS28 of the Rotherham Local Plan Core Strategy which, amongst other things, requires that development proposals should be responsive to their context, and visually attractive as a result of good architecture. It also conflicts with Policy SP 55 of the Rotherham Local Plan, insofar as it requires development to be of high quality, and to positively contribute to the local character and distinctiveness of the area. Finally, it fails to accord with the guidance set out in the HDG.

Conclusion

10. For the reasons above, I conclude that the appeal on ground (a) should fail and that the deemed planning application should be refused.

Elaine Gray

INSPECTOR