



Appeal Decision

Site visit made on 14 October 2019

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2019

Appeal Ref: APP/P4415/D/19/3234403

97A Fitzwilliam Street, Swinton, South Yorkshire S64 8RL

- 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 Mrs Lindsey Blackett against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2019/0590, dated 9 April 2019, was refused by notice dated 21 June 2019.
 - The development proposed is a rear ground floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for a rear ground floor extension at 97A Fitzwilliam Street, Swinton, South Yorkshire S64 8RL in accordance with the terms of the application, Ref RB2019/0590, dated 9 April 2019, 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: Location Plan; Site Plan; Section 'AA'; and, Proposed Elevations and Rear Part Ground Floor Plan.
 - 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 97 Fitzwilliam Street, with particular regard to outlook and overshadowing.

Reasons

3. No 97A Fitzwilliam Street is a modern, 2-storey pitched roofed, detached house set back from the road. Next door is a smaller-scale, 2-storey stone cottage, No 97, positioned much closer to Fitzwilliam Street than the appeal dwelling.
4. There is a solid timber panel fence around 2 metres in height along the boundary between the two dwellings and their rear gardens. Within the appeal site there is a distance of around one metre between the gable elevation and the boundary fence, with a distance of some two metres for the equivalent distance to the gable elevation of No 97. The topography in this area means

- that the ground level of No 97A is somewhat higher than No 97, although both rear gardens slope away from Fitzwilliam Street to a similar degree.
5. No 97 is an L-shaped building, with a full-height projection on the northern part of its rear elevation, away from the boundary with No 97A. There is a patio area across the rear elevation and due to the shape of the dwelling, the largest part is closest to No 97A.
 6. The rear garden of No 97 is split into two distinct areas by a gravel driveway leading to a detached garage in the eastern corner. To the southwest of the driveway is the patio with a grassed area extending along and past the side elevation of the building, and containing a large freestanding tree. There is a largely grassed area to the northeast of the driveway, and a somewhat smaller mature tree by the boundary fence with No 97A.
 7. The relative positions of Nos 97 and 97A mean that most of the northern gable elevation of No 97A extends beyond the stepped rear elevation of No 97; it also extends beyond the rear patio area, and beyond the large free-standing tree. Consequently, No 97A, together with the two mature trees in the rear garden of No 97, significantly restrict the outlook from No 97 and part of its rear garden at the present time.
 8. Whilst no substantive evidence has been provided regarding current overshadowing of No 97 or its garden, it is likely that No 97A, the boundary fence and the two mature trees have a significant impact in this regard.
 9. The northern wall of the proposed extension would be positioned some 0.6m closer to the boundary fence than the gable wall of the appeal dwelling, with the central roof ridgeline just below the height of the first floor rear windows. The proposal would also extend some 4.84m from the rear elevation of the dwelling.
 10. The design, scale and position of the proposed extension would further reduce the outlook from the rear of No 97. However, given the relative positions of Nos 97 and 97A, it would not do so significantly. Furthermore, it would not be overbearing when seen in the context of the existing gable wall to No 97A and the two mature trees in the rear garden.
 11. No substantive information has been provided regarding future overshadowing from the proposed extension. However, its scale and position means it would be likely to affect parts of the rear garden of No 97. Notwithstanding this, given the size of the rear garden and the likely existing overshadowing from No 97A, the boundary fence and the two mature trees, any additional overshadowing is unlikely to be significant or harmful.
 12. For these reasons the proposed development would not adversely affect the living conditions of nearby occupiers, with particular regard to outlook and overshadowing. It would not, therefore, conflict with Policy SP55 (design principles) contained in the Rotherham Local Plan - Sites and Policies adopted in June 2018, or with the National Planning Policy Framework 2019, in this regard.

Conditions and Conclusion

13. The Council has suggested a number of conditions be attached to the grant of planning permission should the appeal be allowed, which I have considered in

light of Government guidance. In addition to the standard commencement condition, a condition specifying the approved drawings would be needed for reasons of certainty. A condition requiring the materials to be used for the external surfaces of the extension to match the existing building would be needed to protect the character and appearance of the area.

14. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is allowed.

Andrew Parkin

INSPECTOR