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## Appeal Decision

Site visit made on 21 July 2020

**by Darren Hendley BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28<sup>th</sup> July 2020**

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**Appeal Ref: APP/P4415/D/20/3252011**

**1 Winterhill Lane, Kimberworth, Rotherham S61 2HY**

- 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 Woodger against the decision of Rotherham Metropolitan Borough Council.
  - The application Ref: RB2019/1970, dated 20 August 2019, was refused by notice dated 13 February 2020.
  - The development proposed is the demolition of the existing detached garages and the erection of a proposed double garage with a storage room above.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on (i) the living conditions of the occupiers of the neighbouring properties, in particular 24 and 26 Meadowhall Road (evens) (Nos 24 and 26) by way of outlook and visual impact, and (ii) the character and appearance of the area.

### Reasons

#### *Living Conditions*

3. The appeal site is located on rising land on Winterhill Lane and is split over two ground levels. The existing dwellinghouse, a bungalow, lies to the front of the site and is on the higher level along with the garden. The access, a single garage, car parking and land used for ancillary domestic purposes adjacent to the garage is located on the lower level. A further garage which occupied the front part of the site near to the bungalow has been demolished.
4. The proposal would be located where the existing garage is found and up close to the side boundary of the site with Nos 24 and 26. This boundary is defined by a stone wall. These neighbouring residential properties lie at a lower ground level again and contain fairly modest sized rear outdoor amenity areas. Rear elevation habitable room windows, including at ground floor level, face towards the boundary. The distance between the proposal and these windows would be around 11 metres.
5. When the difference in levels is considered with the proximity of the side wall of the proposal to this boundary, its siting would have a pronounced effect on

the living conditions of Nos 24 and 26. It would appear as a raised structure along a not insignificant part of their rear boundaries and, thus, it would be of some scale and size when seen over and above the existing stone wall. As a consequence, it would lead to a marked sense of enclosure. With the distance involved, the effect on the ground floor habitable rooms would be overbearing and oppressive.

6. The visual impact, whilst illustratively shown in the appellant's submissions, demonstrates this effect, in particular as it shows the raised form of the proposal, its proximity to the boundary and that it would be noticeably higher than the stone wall before the roof angles back. The 25 degree rule that is referred to is said to concern light, which is a different living conditions matter from outlook and visual impact, and so it does not alter my conclusion.
7. With regard to the relationship between the gable end of the dwelling on Rolands Close and a neighbouring property that has been brought to my attention, this does not enclose the length of the boundary to the same extent as the proposal would with at least No 26, based on the evidence submitted. In any event, the effect on the living conditions is a matter which depends on the individual merits of the proposed development. The proximity of the dwelling on Rolands Close to that boundary clearly does not alter the harm that would arise to the living conditions of the occupiers of Nos 24 and 26 from the proposal.
8. The Council has referred to the Householder Design Guide Supplementary Planning Document (2014) (SPD). The separation distance it applies seems more applicable to extensions rather than a detached garage. Accordingly, it has a limited bearing on this issue and it does not appreciably inform a consideration of the effect on the living conditions in this case. However, this does not address the harm that would arise due to the size, scale and siting of the proposal.
9. I conclude that the proposal would have an unacceptable effect on the living conditions of the occupiers of Nos 24 and 26 by way of outlook and visual impact. As such, it would not comply in this regard with Policy SP55 of the Council's Rotherham Local Plan Sites and Policies (2018) (LPSP) where it states that all forms of development are required to be of high quality, incorporate inclusive design principles and create decent living environments, amongst other considerations.
10. It would also not accord with paragraph 127 f) of the National Planning Policy Framework (Framework) where it concerns a high standard of amenity for existing and future users. This applies to the living conditions of the neighbouring properties where the harm would arise.

#### *Character and Appearance*

11. The area in the vicinity of the site consists of a mix of traditional properties constructed of stone with more modern housing development. There are also a variety of building types, some of which are found to the rear of the other buildings, as with the neighbouring Holmesfield property. Buildings are also of varying heights.
12. The proposal would be well set back from the site frontage on Winterhill Lane and further screening would be afforded by the brick wall front boundary

treatment. Hence, it would not form a prominent feature in the streetscene. It would also be well separated from the host dwelling and so even though it would be of some height for a domestic outbuilding, it would not appear disproportionately large.

13. The more traditional dwellings closest to the site are not what can be deemed to be modest. Both the neighbouring properties on Meadowhall Road and at Holmesfield are sizeable buildings. In this context, the proposal would not appear incongruous. In terms of the visibility and visual impact on these properties, this is a living conditions matter.
14. I conclude that the proposal would not have an unacceptable effect on the character and appearance of the area. Therefore, it would comply with Policy CS28 of the Rotherham Local Plan Core Strategy 2013 – 2028 (2014) and in this regard with Policy SP55 of the LPSP where they state that proposals for development should respect and enhance the distinctive features of Rotherham, and positively contribute to the local character and distinctiveness of an area, amidst other matters.
15. The proposal would also comply with the Framework as far as it concerns development that is sympathetic to local character. It would also accord with the SPD where it provides character and appearance related guidance for a building that is a garage/outbuilding, especially as it would be to the rear of the site.

### **Other Matters**

16. I am less concerned about the effect on the living conditions of the occupiers of 28 Meadowhall Road because the proposal would be sited away from the rear boundary of this property. The properties at Holmesfield are well set off the boundary and would be in less of a juxtaposition to the proposal. The effect on their outlook and the associated visual impact would also not be to an untoward degree. With the siting of the proposal in relation to the neighbouring properties, it would also not unduly affect their light. Nevertheless, this would not address the harm to Nos 24 and 26 concerning their outlook and visual impact.
17. The proposal is intended to provide additional space and secure storage. This would be largely a personal benefit and would not outweigh the harm to the living conditions that I have identified. Nor would the proposal comprise sustainable development for the purposes of the Framework due to its shortcomings as regards good design because it would not provide a high standard of amenity for existing and future users.

### **Conclusion**

18. The harm that would arise to the living conditions of the occupiers of Nos 24 and 26 by way of outlook and visual impact is decisive. For the reasons set out above and having regard to all matters that have been raised, the appeal should be dismissed.

*Darren Hendley*

INSPECTOR