The Planning Inspectorate

Appeal Decision

Site visit made on 21 July 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2020

Appeal Ref: APP/P4415/D/20/3250215
32 Highcliffe Drive, Swinton, South Yorkshire S64 8LX

- 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 David Rudram against the decision of Rotherham Metropolitan Borough Council.
- The application Ref RB2020/0066, dated 2 January 2020, was refused by notice dated 9 March 2020.
- The development proposed is take down existing conservatory. Build first floor extension over existing ground floor rear. Also build new flat roof ground floor extension to replace conservatory.

Decision

1. The appeal is allowed. Planning permission is granted to take down existing conservatory. Build first floor extension over existing ground floor rear. Also build new flat roof ground floor extension to replace conservatory at 32 Highcliffe Drive, Swinton S64 8LX in accordance with the terms of the application Ref RB2020/0066 dated 2 January 2020, subject to the following conditions:

   1) The development hereby permitted shall begin not later than three years from the date of this decision.

   2) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

   3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan dated 15 Jan 2020; Site Plan dated 15 Jan 2020; Existing Plan dated 15 Jan 2020; Proposed Plan dated 15 Jan 2020.

Main Issue

2. The main issue in this case is the effect of the development on the living conditions of adjacent residents, having regard to possible implications for overbearing impact and overshadowing.

Reasons

3. The appeal property is a detached dwelling, located in a residential area. The proposal would infill a first-floor section of the rear elevation currently used as a balcony with roof profile matching the dwelling. In addition, an existing

conservatory would be removed and a single storey rear extension with a lantern roof added to the rear elevation.

4. The first-floor section has not raised objections from the Council, as it does not breach the 45-degree angle for domestic extensions. Having viewed the proposed first floor extension, I have no reason to raise any issues with that assessment, and therefore will not consider the issue any further.

5. The existing conservatory has windows to both side elevations looking toward the adjacent properties, whilst the proposed extension only has high level windows on the elevation toward Number 34.

6. When seen in the context of the existing rear conservatory, the development would not seem incongruous or overwhelming, and the location at the rear ensures that it would not be visible within the street scene and therefore would not harm the character and appearance of the area.

7. I acknowledge that the extension, located close to the boundary with Number 34, and constructed of brick, rather than a UPVC conservatory would introduce a slightly more prominent feature than the existing conservatory, but the orientation of the rear ground floor openings of Number 34 draws the outlook from the appeal proposal toward the garden area and beyond. Therefore, whilst the proposal would result in some additional sense of enclosure to one side, the wider outlook from the rear of the adjacent property would not be significantly compromised as a result of the proposals and would not lead to any significant overshadowing in comparison with the current situation.

8. The main outdoor seating area of Number 34 is situated away from the boundary and I consider that any additional sense of enclosure is very localised, and would not have significant implications for the living conditions of the neighbouring resident with regard to the enjoyment and use of the wider garden area.

9. I find that the proposals would not lead to an overbearing impact or overshadowing of the private garden area to Number 34 that would warrant dismissal of the appeal, and is therefore consistent with Policy SP55 of the Rotherham Local Plan (2018), the Interim Planning Guidance 'Householder Design Guide' (2014) and Paragraph 127 of the National Planning Policy Framework, which collectively, amongst other matters, seek development proposals to protect adjacent properties from overshadowing, utilise appropriate materials, function well and add to the overall quality of the area.

Conditions

10. In terms of the conditions imposed, I have included standard conditions in relation to the commencement of development and that the proposal should be constructed in accordance with submitted plans, in the interests of certainty. A condition regarding matching materials safeguards the character and appearance of the area.

Conclusion

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

Paul Cooper INSPECTOR