



Appeal Decision

Site visits made on 29 July 2020 and 27 August 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Appeal Ref: APP/P4415/D/20/3249436

15 Eastwood Mount, Clifton, Rotherham S65 2TF

- 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 Naheem Khan against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2019/1974, dated 19 December 2019, was refused by notice dated 28 February 2020.
 - The development proposed is a single storey rear extension, front balcony extension and raising of roof to form rooms within roof.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension, front balcony extension and raising of roof to form rooms within roof at 15 Eastwood Mount, Clifton, Rotherham S65 2TF in accordance with the terms of the application Ref RB2019/1974, dated 19 December 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 plan; Drawing Number MS/88/19-01A
 - 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 proposed development on the living conditions of occupiers of properties on Gladys Street with regard to outlook and potential dominance.

Reasons

3. The appeal property is a two-storey detached dwelling. It is located in a predominantly residential area. There are terraced properties to the rear of the appeal site on Gladys Street that sit at a lower level than the appeal property.
4. Although the appeal proposal includes various elements of development, the element in dispute relates to the increase in height of the roof and its impact on the living conditions of occupants to the rear of the site. In relation to the

other elements of the development, I have no reason to form a different view to that of the Council.

5. The proposal, insofar as it relates to the impact on the dwellings to the rear, involves increasing the ridge height of the roof. There is a marginal increase in the eaves height of the existing roof, however this would not cause harm. As I observed on my site visit to 30 Gladys Street, due to the position of the properties and the difference in levels, it is not currently possible to view the existing ridge of the appeal property from the ground floor or the rear garden. As the ridge of the roof of the appeal property is set back into the site, combined with the resulting slope of the roof, the increase in height would not result in an overbearing or dominant impact when viewed from the properties on Gladys Street.
6. The Council comment that the South Yorkshire Residential Design Guide (SYRDG) states that suitable daylight for habitable rooms is achieved when a 25-degree angle taken from the centre of the lowest window is kept unobstructed. The appeal property, due to its elevated siting, already obscures the 25-degree angle from the centre of the lowest window. Combined with the reasons given above, and that the impact on daylight is not pertinent to the main issue, I give little weight to the conflict with the design guide.
7. In further reference to the SYRDG, the Council comment that the guide states that for the purposes of privacy and avoiding an 'overbearing' relationship between buildings the distance between habitable room windows should be 21m. I find that as privacy is not an issue in the appeal, and the separation distance is unaltered as a result of the proposal, such an argument carries little weight.
8. Therefore, the proposed development would not have an unacceptable impact on the living conditions of the occupiers of properties on Gladys Street with regard to outlook and potential dominance. It would comply with Policy SP55 of the Rotherham Local Plan (Sites and Policies) (2018) which requires, amongst other things, that development proposals should be of high quality, having regard to setting of the site, including the size, scale, mass, volume, height, orientation, form, and grain of surrounding development.
9. The proposal would comply with guidance contained in the Rotherham Householder Design Guide Supplementary Planning Document (2014) which outlines, amongst other things, that extensions close to either a habitable room window of a neighbouring property, or to its private garden, should not have an overbearing effect on that property or an unreasonable effect on its outlook.
10. The proposal would comply with paragraph 127 of the National Planning Policy Framework (2019) that outlines, amongst other things, that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

11. Objections were received in relation to the effect of the proposed development on the living conditions of the adjacent property at 17 Eastwood Mount, invasion of privacy, and overdevelopment of the property. These matters were not a reason for refusal of planning permission, and I find no reason to form a different view to the Council on these matters.

12. Representation is made in relation to the possibility of the development compromising the structural integrity of surrounding buildings and walls. I have no evidence before me that would give me reason to consider the proposal to be unacceptable on this basis.
13. Issues such as erection of scaffolding, or any other works which may require access onto third party land is a private matter between the relevant parties and not within my jurisdiction.
14. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

Conditions

15. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. In the interests of the character and appearance of the area and the host property, it is necessary to impose a planning condition requiring the use of matching materials.

Conclusion

16. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR