



Appeal Decision

Site visit made on 25 August 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2020

Appeal Ref: APP/P4415/W/20/3253747

The Old Coach House, Manor Road, Wales, Rotherham S26 5PD

- 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 S Fletcher against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref: RB2019/1221, dated 29 July 2019, was refused by notice dated 13 January 2020.
 - The development proposed is the conversion of an outbuilding to a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Matters that have been raised in relation to the landownership of the site and a legal right of access are private matters between the relevant parties and lie outside of my consideration. Hence, they do not have a material bearing on my decision.

Main Issues

3. The main issues are (i) whether the proposal would provide suitable living conditions for its future occupiers by way of outlook, light and ventilation; (ii) its accessibility to services; and (iii) the effect on highway safety and the free flow of traffic.

Reasons

Living Conditions

4. The appeal property comprises a modest sized disused single storey building. It is sited around a small courtyard area. To the front of the building, the land within the appeal site is somewhat overgrown and, at the time of my visit, contained vehicles and the open storage of materials.
5. The internal layout of the proposal would reflect the shape of the building with the rooms either facing the courtyard or would be accessed off an internal corridor. The bedroom that would not face the courtyard would be reliant on a single small rooflight as its sole external opening. As a consequence, the outlook would be extremely limited, as would be the outside light that this room would receive. It would result in a likely unappealing and gloomy living environment. At it would be a habitable room, regardless of whether it would

- be the first or second bedroom, this would be to the significant detriment of the living conditions of the future occupiers.
6. The appellant has pointed to the limitations of the window positions in conversions. Whilst this type of accommodation can be reliant on rooflights, there is still a need to provide suitable living conditions for a conversion to be not unacceptable in planning terms. Hence, it is not a matter that can be left to potential future occupiers to decide upon.
 7. The National Design Guide (2019) (NDG) considers that well designed homes and buildings provide internal environments and associated external spaces that support the health and well-being of their users. It highlights light, amongst other considerations. As I have set out, this would not be well provided for by the rooflight to the bedroom. That paragraph 126 of the NDG does not specifically mention outlook does not mean that it is not an important aspect of living conditions. This is because it is to the benefit of the enjoyment of a home and to the quality of life.
 8. Whilst ventilation would not be decisive on its own, the reliance on the rooflight for air circulation from outside would further add to the harm to the living conditions that would arise.
 9. I conclude that the proposal would not provide suitable living conditions for its future occupiers by way of outlook, light and ventilation. As such, it would not comply with Policy SP55 of the Council's Rotherham Local Plan Sites and Policies (2018) (LPSP) which seeks to create decent living and working environments, and when considering development proposals, refers to the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings, amidst other criteria.
 10. It would also not comply with the National Planning Policy Framework (Framework) in this regard. The Framework identifies that a high standard of amenity, including for future users, is part of achieving well-designed places. It would be in conflict with paragraphs 124 and 130 where they state that good design is a key aspect of sustainable development and that permission should be refused for development of poor design, amongst other considerations. Similarly, for the reasons that I have stated above, it would not comply with the NDG.

Accessibility to Services

11. The site lies well to the north of the main body of the settlement. It is found towards the end of Manor Road and is then accessed via an unlit narrow private road of a not insignificant length. The shops and services there are in the area lie some distance from the site, and the same applies as regards bus and rail services.
12. In all likelihood, there would be a limited use of walking and cycling to access a range of services with the distances involved, even if the terrain is fairly flat. Utilising the private road to access Manor Road would also not encourage the use of these modes of transport. Hence, there would be a reliance on the private car as the primary mode of travel.
13. The proposal would not constitute an isolated home in the countryside because of its proximity to other dwellings located off the private accesses that make up the grouping of dwellings around Wales Court. Nevertheless, this does not

alter that the proposal itself would have limited accessibility to shops and services.

14. The Framework looks for development to be accessible to services in achieving sustainable development. With the site's location, this counts against the proposal. Where the Framework refers to that community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport, this is in the context of economic related uses. The proposal before me is for a residential use, and so this has a limited bearing on my decision.
15. The appellant has cast doubt over whether it is appropriate to apply Policy CS14 of the Council's Rotherham Local Plan Core Strategy 2013 – 2028 (2014). This policy promotes accessibility to services and the location of development in highly accessible locations. It does not exclude conversions. Nonetheless, the Council does not refer to this policy in its reason for refusal on this issue which relies on the Framework, even if it is referred to in the Planning Officer Report, and so I have not considered it further.
16. Policy SP5 of the LPSP concerns Green Belt matters, which are not in dispute. The supporting text to the policy states that alternative uses requiring planning permission will need to meet the requirements of other policies, appropriate to the use proposed, within the Local Plan. Accordingly, it does not alter my conclusion.
17. I conclude that the proposal would not be in a location that is accessible to services and, therefore, it would not comply with the Framework in this regard.

Highway Safety

18. The private access to the site off Manor Road is a fairly long sinuous route for traffic. It already accesses a small number of dwellings. As well as being narrow, it also shows some signs of disrepair. Only part of it is shown to be under the control of the appellant, based on the submitted site location plan.
19. The proposed dwelling would add further vehicular movements to the private road. As I have set out above, the proposal would likely be dependant on the use of the private car. Whilst traffic generation would be limited, there is the potential for conflict with other traffic, including pedestrians, due to the constraints of the private road. This may have been similar to the former cattery and kennels use of the appeal building that I have been referred to, but at the time of my visit, that use had ceased and there is not substantive evidence that it would resume.
20. The appellant has offered to make improvements to the private road. This would only partially deal with these concerns because, even if I was minded to allow the appeal, a planning condition requiring improvements on the part of the route outside of the control of the appellant would have the potential to nullify a permission if such improvements cannot be implemented. Such a condition would not, thus, be reasonable.
21. I conclude that the proposal would have an unacceptable effect on highway safety and the free flow of traffic. The effect would be modest with the likely traffic generated, but it would contribute to the overall harm that would result from the proposal.

Other Matters

22. The site lies in the Green Belt. The Council considered that as the re-use of a building of a permanent and substantial construction, the proposal would not constitute inappropriate development. I see no reason to disagree.
23. Both parties have made reference to a previous appeal decision¹ on the site. Green Belt matters that were the subject of that appeal are not now in dispute and the appellant has also made me aware that a different planning policy framework now operates. In terms of the accessibility of services and highway safety matters, though, I reach a similar conclusion and my overall decision is the same.
24. Wales Court comprises a fairly substantial building that includes a small number of separate dwellings. It is grade II listed and retains elements as a small country house. The external alterations to the building that is the subject of the proposal would be limited and it would also be well separated from Wales Court, as there is a further dwelling and land in between. It would preserve the setting of the listed building. This attracts neutral weight.
25. The proposal would include landscaping and the creation of an orchard. Compared to the current state of the outside areas of the site, this would be an improvement in character and appearance terms. This would not, though, outweigh the harm that would arise by way of living conditions, accessibility to services and highway safety.

Conclusion

26. For the reasons set out above and having regard to all matters that have been raised, the appeal should be dismissed.

Darren Hendley

INSPECTOR

¹ Appeal Ref: APP/P4415/A/13/2205047