



Appeal Decision

Site visit made on 8 September 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2020

Appeal Ref: APP/P4415/W/20/3253402

Madrasah Raza-E Mustafa and Cultural Centre, 158 Broom Lane, Broom, Rotherham S60 3NW

- 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 Madrasah Raza-E Mustafa and Cultural Centre against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2020/0220, dated 30 January 2020, was refused by notice dated 10 March 2020.
 - The development proposed is extensions to mosque including raising height of building.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme is a revision to a previously granted planning permission ref. RB20218/0870. The proposal shows identical floor layouts to the approved scheme and therefore the changes are limited to the overall height of the two-storey element of the building.
3. During consideration of the proposals by the Council, the appellant submitted amended plans showing a reduction in the height of the extension of the building. This was shown on plan reference MS/090/15-02 K. For the avoidance of doubt, I have assessed this appeal on the basis of the revised plan.

Main Issues

4. The main issues are the effect of the proposed development on:
 - The living conditions of adjacent occupiers at 156 Broom Lane having particular regard to outlook and sense of enclosure; and,
 - The character and appearance of the locality.

Reasons

Living conditions

5. The proposed development would be located immediately adjacent to the common boundary with 156 Broom Lane, a residential property. The proposed ground floor and first floor extensions would create a new continuous flank wall along the boundary with an increase in the initial eaves height of the building to about 8.2m, according to the appellant's statement. This full height would extend from a point where the existing building footprint lies a short distance

- forward of the front elevation of no156 to a point aligning with the upper rear elevation of the existing Prayer Hall. Beyond this, the first floor would angle away from the boundary to terminate at the line of the wall between the existing kitchen and meeting rooms.
6. At ground floor, an existing recessed area in the building's footprint adjacent to the boundary with no156 would be infilled and join at the eaves level of the existing meeting rooms area at the rear of the building. This part of the extension would overlap with a sectional garage within the grounds of no156.
 7. The resultant side elevation alongside no156 would be a substantial blank area of continuous masonry to a height comparable to that of the ridge of the neighbouring dwelling. Whilst openings in the side elevation of no156 are limited, the higher part of the proposal would extend to a depth rearward of the main openings serving habitable rooms within it. The substantial height, close proximity and continuous block form of the wall would loom large over the intervening narrowing driveway and be dominant on the approach to it.
 8. Moreover, notwithstanding the angled first floor element, a significant part of the outlook from the nearest bedroom window and the patio area behind the main sensitive window openings would be dominated by the large scale and substantial massing of the proposed building. The appellant's assessment of the effects of the proposal on sunlight, daylight and overshadowing concludes that the proposal would result in a minor adverse impact, as defined by the Building Research Establishment guidelines. Nevertheless, when taken with the shadowing throughout much of the morning hours, the overall effect of the elevation would be stark and contrast significantly to the existing substantially more open outlook.
 9. When taken together, the scale and proximity of the building would give rise to a significant overbearing form of development that would create poor outlook. This would cause significant harm to the living conditions of neighbouring occupiers at no156.
 10. In support of the appeal, the appellant has directed me to examples of large two-storey extensions to domestic buildings alongside neighbouring residential properties. However, none have the continuous high eaves height and substantial massing reflected in the proposal. As such, they provide little justification for the scale of the development proposed in this appeal.
 11. For the above reasons, I conclude that the proposal would cause harm to the living conditions of the neighbouring residential occupiers of 156 Broom Lane as an overbearing form of development that would result in poor outlook. The proposal therefore conflicts with Policy CS28 of the Rotherham Local Plan Core Strategy (Sept 2014) (CS) and Policy SP55 of the Rotherham Local Plan Sites and Policies (June 2018) (SP) as they seek to secure healthy living environments and safeguard the amenity of existing adjacent land uses.

Character and Appearance

12. Broom Lane is a broad tree-lined road with wide verges and development generally set back behind gardens and driveways creating a sense of spaciousness between development either side of the road. The street is characterised by mainly residential development with limited commercial and community facilities interspersed. The predominant housing type are hipped

- roof semis, but other types of accommodation are present including blocks of flats and a large residential care home adjacent to the site.
13. The existing single storey development on the site is uncharacteristically low amongst the mainly two-storey buildings along this part of Broom Lane. The existing building is utilitarian in design and displays a low level of architectural quality.
 14. The form of the proposal would give rise to a significant sense of mass to the higher forward element. The high eaves line of the roof, taken with the relatively large depth of the flank elevations and substantial filling of the site's width, would contrast with the more modest eaves heights and visual bulk of the surrounding buildings.
 15. However, as a community religious facility for prayer and teaching, the greater scale would give rise to a focal building in a similar manner to other mosques, churches and places of worship within community neighbourhoods. Although the building would have limited space about it and be slightly forward of the adjacent row of houses, the prominence of the massing and height, emphasised by the tall vertical windows and central Islamic architectural parapet, would not be overly imposing within the streetscene.
 16. Compared to the existing building, the proposal would provide a consolidated appearance with a fitting design reflective of other mosques in the area. This would contribute positively to improve the quality of the existing streetscene. Whilst it would stand out against the predominant form and scale of local development and appear discordant to it, the effect on the locality would be one of change that, in my opinion, would not be harmful. Furthermore, I am mindful that the design reflects the key characteristics of a previously approved scheme¹ for the site and would be consistent with the architectural variation of other non-domestic buildings in the locality.
 17. For the above reasons, I conclude that the proposed development would present a contrasting form of development to that prevalent in the locality, however, as a community building for prayer and teaching, its scale and appearance would be fitting to the building's intended purpose and stature. I therefore find it would be consistent with the requirements of Policy CS28 of the CS, Policy SP55 of the SP and the Framework as they seek to deliver a high quality of design and improve the character and quality of an area.

Other matters

18. The appellant states that the overall height is for the purposes of providing essential teaching space for children with disabilities and learning difficulties, and to improve wellbeing of the users through an increase in ceiling height. This would be particularly so for the forward ground floor accommodation, including the Prayer Hall. A supporting report indicates that higher ceilings encourage people to think more freely, which may lead them to make more abstract connections and feel less confined.
19. I acknowledge that an increase in the ceiling height of the main area of the ground floor would provide a benefit to the internal architectural beauty, experience of the space, and in serving an improved environment for prayer. It would also reduce any sensation of claustrophobia experienced within the

¹ RB2018/0478

building. However, these benefits would not outweigh the identified harm arising from the total height of the building to the living conditions of the neighbouring occupiers.

20. Disability and religion are 'relevant protected characteristics' and I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
21. In respect of the above, whilst I acknowledge the benefits that would result to the users of the facility, I note that this requirement is not dependent on the specific design of the proposed development and could be achieved through implementation of the extant planning permission or an alternative arrangement of the facilities within the building. Consequently, although a refusal of planning permission may deprive users of additional ceiling height, it would not prevent an extension of the mosque or prejudice the ability to provide additional teaching facilities. Accordingly, those circumstances are not a strong justification for setting aside national and local policies with the legitimate aim of protecting the living conditions of those residing close to proposed developments. I therefore attach them limited weight having had regard to the particular circumstances of the case.
22. Although I note the absence of objection from any occupiers of no156, the lack of third-party objections does not comprise a benefit in favour of a proposal.
23. Third parties have raised a number of issues in relation to the proposed development, including highway safety concerns, particularly arising from the potential increased use of the site. As the proposal does not change the extent or the internal arrangement of the proposed floorplans in comparison to the approved scheme, there are no grounds to revisit the matters of parking provision and highway safety in this instance.
24. I have noted the other objections from local residents and third parties to the proposal. However, in the light of my findings on the main issues of the appeal, my decision does not turn on these matters.

Conclusion

25. Whilst I have found in favour of the appellant with regards to the effect of the development on the character and appearance of the locality, this does not outweigh the harm identified in relation to its effect on the living conditions of nearby residents. I therefore conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR