



Appeal Decision

Site visit made on 9 September 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2020

Appeal Ref: APP/P4415/D/20/3255459

33 Bawtry Road, Wickersley, Rotherham S66 2AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Rob Felstead against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2020/0507, dated 1 April 2020, was refused by notice dated 5 June 2020.
 - The development proposed is the demolition of the existing garage; alterations to existing dwelling including partial demolition to front and rear elevations; erection of two-storey extension to front and rear elevations to form additional living accommodation; erection of one and half storey extension to western side elevation to form additional living accommodation and garage; erection of new roof structure to create rooms in loftspace including addition of dormer windows to front and installation of rooflights to rear and eastern side..
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Decision

1. The appeal is allowed and planning permission is granted for: the demolition of the existing garage; alterations to existing dwelling including partial demolition to front and rear elevations; erection of 2-storey extension to front and rear elevations to form additional living accommodation; erection of one and half storey extension to western side elevation to form additional living accommodation and garage; erection of new roof structure to create rooms in loftspace including addition of dormer windows to front and installation of rooflights to rear and eastern side at 33 Bawtry Road, Wickersley, Rotherham S66 2AR in accordance with the terms of the application Ref RB2020/0507, dated 1 April 2020, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. An appeal against refusal of an earlier planning application seeking planning permission for what was described as the demolition garages to the west, demolition of rear extensions, build side and front extensions and new roof was dismissed in 2018 (APP/P4415/D/18/3203760). For completeness, that proposal ('the 2018 appeal scheme') was for a 3-storey dwelling on a slightly smaller footprint to the current proposal.

Main Issues

3. The main issues are the effect of the development proposal upon:
- The character and appearance of the area, with particular regard to its size, mass and forward projection;
 - The living conditions of the current and future occupants of the neighbouring dwellings of Elmdale, with particular regard to outlook, privacy, daylight and sunlight; and
 - The living conditions of the current and future occupants of the neighbouring occupants of 35 Bawtry Road, with particular regard to outlook, daylight, sunlight and loss of privacy.

Reasons

Character and Appearance

4. The appeal site is located adjacent to the A631 Bawtry Road. It sits within an established residential area known as Listerdale which is characterised in the main by large dwellings occupying generally large and well wooded plots. To the immediate west of No 33 is a 1.5 storey L-shaped dwelling called Elmdale and to the immediate east is No 35, a 2-storey dwelling. To the rear of the plot is a 2-storey dwelling at 2 Marcliff Lane.
5. The appeal property is a 2-storey traditional detached dwelling which sits back from, and slightly below the level of, the A631. A tall stone wall along the front boundary screens most of the ground floor of the dwelling from the main road. The dwelling also sits slightly lower to those properties around it.
6. The development proposal comprises the demolition of the garage and the partial demolition of the front and rear elevations and their replacement with the construction of a 1.5 storey side extension to include a new garage, 2-storey extensions and the installation of 2 dormer windows on the first floor with additional living space and rooflights in the roof.
7. The effect of these proposed extensions would be to increase the size and bulk of the appeal dwelling quite considerably. According to the Council the development proposal would extend it from around 12.6 metres to around 19.3 metres in width, from around 6.7 metres to 10.3 metres in depth on the eastern elevation, from around 7.6 metres to 11.1 metres in depth on the western elevation, and from around 7 metres to around 9.2 metres in height.
8. However, the increase in the width of the dwelling fails to take account of the existing double garage which sits very close to the boundary with Elmdale. When this is factored in the proposed dwelling would occupy a footprint which is very similar in width to the existing buildings.
9. The new dwelling would be taller than the existing dwelling and the ridge of the roof would sit higher than the dwellings on either side. It would also contain 2 modest dormers. I have noted that the Inspector for the 2018 appeal scheme concluded that a 3-storey dwelling would not be too tall given the ground levels. I have seen no plans for that proposal and therefore do not know what its height was relative to the 2.5 storey proposal subject to this appeal. Irrespective, it seems more important to compare the height of the proposed building with those close to it. The plans show that the roof of the existing

dwelling is not as high as a section of Elmdale's roof but is about the same height as No 35's.

10. The development proposal would increase the roof height by just over 2 metres and would also increase its bulk and volume. As a result, the new dwelling would be appreciably higher and more dominant than its neighbours when seen from the road.
11. The 1.5 storey western extension would project forward of the existing garage by about 10-12 metres. It would be about the same distance from the A631 as is the south-facing elevation of Elmdale. The lower part of the proposed western extension would be screened by the wooden gates to the driveway. In the future shrubs planted just behind the top of the stone wall would provide an element of additional screening. However, whilst the extension would be very visible by virtue of its forward projection, it would constitute no more than about one-third the width of the proposed dwelling. This factor would considerably reduce the overall impact of the proposal when seen from the main road to the front.
12. According to the Appellant the proposed development would occupy about 31% of the plot. This compares to a plot coverage of 27% at Elmdale and 29% at No 2. This is not a particularly large or significant difference. Furthermore, whilst the floor area of the proposal would be about 30% larger than Elmdale it would be about the same size as No 2.
13. Although the development proposal would be higher than its immediate neighbours this has to be seen in the context of the scale of dwellings within the rest of the Listerdale neighbourhood, many of which are around the same height. In this context, the proposal would not harm the character and appearance of the area.
14. Consequently, it would accord with Policy SP55a) of the Rotherham Local Plan: Sites and Policies 2018 (SP) which advises that the size, mass, volume and height of any new development (irrespective of whether it is an extension to an existing building or a new build) should respect the local context. Furthermore, it would accord with Policy CS28 of the Rotherham Local Plan Core Strategy 2013-2028 2014 (CS) that also advises that new development should respond to the given context and that the design should be visually attractive and improve the character of the area.
15. Finally, it would accord with the advice in the Interim Householder Design Guide: Supplementary Planning Document 2020 (SPD) that extensions should be subsidiary to the existing building and should not dominate. Since this document has just been published and relates to recently issued local plans, I accord its contents significant weight. Finally, it would accord with the advice set out at Paragraph 118e) of the National Planning Policy Framework (the Framework) that upward extensions should be supported where they are consistent with the prevailing height and form of neighbouring properties and the overall street scene.

Living Conditions in Respect of Elmdale

16. The proposed 1.5 storey side extension including Bedroom 5 and the integrated garage would sit close to the boundary with Elmdale. There are some trees within the garden at Elmdale that ensure that it enjoys a high level of seclusion although this quality is likely to be less apparent in the winter months. Windows along the rear elevation of Elmdale face through the trees along the front elevation of the existing dwelling at No 33.
17. Currently, occupants of Elmdale look from first-floor dormer windows towards trees along the shared boundary located to the front of the garage of the existing dwelling. The proposed development would result in the erection of a blank wall close to the boundary with Elmdale. This would lead to a loss of sunlight in the mornings albeit for a relatively short period of time. Similarly, the loss of daylight would be very minimal.
18. There would be no windows or other openings on the side elevation of the 1.5 storey side extension. The side of the first-floor balcony to the front of Bedroom 5 would only just be visible from the rear of Elmdale and any resultant loss of privacy within the dwelling or the garden area would be very minimal.
19. There would be views of the garden and the rear windows of Elmdale from the first-floor windows of Bedroom 2 and Bedroom 3 of the proposed development. However, the view from Bedroom 3 would be very restricted due to the rear elevation of the proposed 1.5 storey side elevation. Furthermore, although there would be a clearer view of Elmdale from Bedroom 2 the windows would be approximately 20 metres away whilst the garden would be just under half this distance. Consequently, any loss of privacy would be very limited.
20. The Arboricultural Report and Impact Assessment indicates that 2 trees (T3 and T4) would be removed (Appendix 6: Tree Impacts Plan) from the western boundary of No 33. Consequently, the blank wall would be visible in autumn and winter, but there would be no significant loss of outlook due to the distance from the rear windows of Elmdale.
21. For the reasons set out above the proposed development would provide for the satisfactory living conditions of the current and future occupants of Elmdale. Consequently, the proposal would accord with Policy SP55g) of the SP which requires that new development should allow sufficient sunlight and daylight to penetrate through to neighbouring properties and not result in overshadowing.
22. Furthermore, it would accord with the provisions of the SPD that require that new development does not lead to a loss of neighbour privacy or loss of outlook. Finally, it would accord with Paragraph 127f) of the National Planning Policy Framework (the Framework) which advises that new development should provide for a high level of living conditions of existing and future occupants.

Living Conditions in Respect of 35 Bawtry Road

23. The existing dwelling sits very close to the boundary with No 35. The main part of No 35 sits about 10 metres away from the existing side elevation of No 33. However, a conservatory attached to the side of No 35 reduces that gap to around 6-7 metres. There are some trees and shrubs that provide some screening between the two adjacent dwellings.

24. The development proposal would include the installation of 2 rooflight windows in Bedroom 7 on the top floor that would face towards the roof of No 35. On the first floor of the west facing elevation of No 35 there is a bedroom window. However, applying the 25-degree test, there would be no loss of sunlight or daylight light to this window. There would be a slight, but not substantial, loss of privacy for the occupant of this room.
25. The increase in depth of the eastern elevation would result in the new dwelling being about 3-3.5 metres further forward than the existing building. The conservatory currently marginally fails the 45-degree sunlight / daylight test. The proposed development would result in a slight further reduction in sunlight and daylight when sat at the back of the conservatory looking forward to the south. However, this would be marginal and would not significantly affect the living conditions of the occupants.
26. Finally, the proposed development would not result in any additional windows on the eastern elevation. The window in Bedroom 1 of the existing dwelling would be retained within the proposed dwelling. Windows at the rear of the new development on the first-floor would be in the en-suite bathroom to Bedroom 1 and in the family bathroom. Thus, there would be no loss of privacy in the rear part of the garden of No 35. The first-floor windows to the front of the proposed development in Bedroom 4 would be no closer to the front garden of No35 than the windows of Bedroom 1 are in the existing dwelling.
27. For the reasons set out above the proposed development would provide for the satisfactory living conditions of the current and future occupants of No 35. Consequently, it would accord with Policy SP55g) of the SP which requires that new development should allow sufficient sunlight and daylight to penetrate through to neighbouring properties and not result in overshadowing.
28. Furthermore, it would accord with the provisions of the SPD that require that new development does not lead to a loss of neighbour privacy or loss of outlook. Finally, it would accord with Paragraph 127f) of the National Planning Policy Framework (the Framework) which advises that new development should provide for a high level of living conditions of existing and future occupants

Other Matters

29. The contentions concerning the focus of the main issues in the previous planning appeal decision are noted but they are not relevant to the determination of the current appeal.
30. Whilst the Development Plan comprising the CS (2014) and the SP (2018) pre-dates the revised Framework (2019) its contents in regard to character and appearance and living conditions remain essentially unchanged from the 2012 version.
31. The existing dwelling is close to No 2 to the rear. The proposed increase in height to No 33 would result in some loss of outlook from No 2 but this would not be significant. There would be 4 roof lights arranged in a row along the rear elevation of the proposal. However, the middle 2 would be within en suite bathrooms and the outer 2 above Bedrooms 6 and 7 would be located behind chimneys (although the roofplan of Drwg No Felstead 002 – Rev A only shows one chimney) preventing any significant view of No 2.

32. The proposed new 1.5 storey side extension would include a window within the walk-in wardrobe of Bedroom 5 facing towards No 2. The removal of trees from the intervening gap would also reduce the screening available to occupants of No 2. However, any loss of privacy caused by the new window would be marginal given the function of the room within which it would sit and the 10-15 metre gap between it and the elevation of No 2.

Conditions and Conclusion

33. In addition to the standard condition requiring implementation not later than three years after the date of the planning permission I have, in the interests of certainty and the appearance of the area, attached a condition requiring the developer to submit and have approved in writing by the Council details of the materials to be used. In order to ensure that the trees other than those already identified for removal are protected I have required that an Arboricultural Method Statement detailing the trees on site and the means for their protection shall be submitted to and approved by the Council. Finally, to ensure that the appearance of the area is protected I have attached a condition requiring the submission to and approval by the Council of a landscape scheme.
34. For the reasons set out above the appeal is allowed.

William Walton

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby allowed should be begun not later than 3 years from the date of this decision.
2. Details of the external materials of the development hereby permitted shall be submitted to, or samples of the materials left on site and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.
3. No operations (including initial site clearance) shall commence on site in connection with the development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees has been submitted and its installation on site has been approved in writing by the Local Planning Authority. All protection measures must fully detail each phase of the development process taking into account demolition/site clearance works, all construction works and hard and soft landscaping works. Details shall include the following: Full survey of all trees on site and those within influencing distance on adjacent sites in accordance with BS5837, with tree works proposals. All trees must be plotted on a site plan, clearly and accurately depicting trunk locations, root protection areas and canopy spreads (Submitted); A plan detailing all trees and hedgerows planned for retention and removal (Submitted); A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS 3998; Site specific demolition and hard surface removal specifications Site specific construction specifications (e.g. in connection with foundations, bridging, water features, surfacing); Access arrangements and car parking; Level changes; Landscaping proposals; A Tree protection plan in accordance with BS5837 detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces.
4. All tree protection methods detailed in the approved Arboricultural Method Statement shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site. Using the most recent revision, the Standard Plans must be of a minimum scale of 1:200.
5. Before the development is brought into use, a Landscape scheme, showing location and types of landscape treatment, shall be submitted for approval by the Local Planning Authority. The Landscape scheme should be prepared in accordance with RMBC Landscape Design Guide (April 2014) and shall be implemented in the next available planting season and maintained to ensure healthy establishment. The inclusion of proposed tree planting should be included. Any trees/plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

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