



Appeal Decision

Site Visit made on 9 November 2020

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2020

Appeal Ref: APP/P4415/D/20/3254202

1 Scott Walk, Maltby, Rotherham S66 8RA

- 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 Daniel Wilson against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2020/0405, dated 25 April 2019, was refused by notice dated 13 May 2020.
 - The development proposed is a first floor side extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development in the banner heading above has been taken from the Council's decision notice as it more accurately describes the proposed development.
3. I have taken the date of application as it appears on the Declaration in the planning application form submitted with the appeal.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of 3 Scott Walk in respect of outlook and light.

Reasons

5. The appeal property 1 Scott Walk and its neighbour No 3 are laid out in a closely-spaced staggered arrangement whereby the majority of the side gable of No 1 lies beyond the rear elevation of No 3 and along a large proportion of No 3's southern garden boundary. The existing side extension rises to two-storey height at the rear, but it is lower in height than the main house and has a long sloping roof that reduces its dominance along the boundary of No 3.
6. The first floor side extension would result in a notable increase in building mass adjacent to the garden of No 3. Owing to its height, massing and proximity to No 3, it would appear considerably more dominant and enclosing than the current situation, particularly when viewed from the neighbouring patio area and rear windows.
7. Whilst there is unlikely to be any significant additional overshadowing of No 3, there would, for the reasons above, be harm to the living conditions of the occupiers of No 3 who would be subjected to even poorer levels of outlook if

this appeal were to be allowed. In reaching this conclusion I note that there was no objection from the neighbour. However, the absence of objection is not determinative and does not justify the harm that would occur. There can be many reasons why neighbours do not object to an application, and the harmful effects of the development would be likely to exist long after the existing occupiers have moved on. One of the important objectives in paragraph 127(f) of the National Planning Policy Framework (the Framework) is to secure a high standard of amenity for all existing and future users.

8. I conclude that the development would cause unacceptable harm to the living conditions of the occupiers of 3 Scott Walk in respect of outlook. This is contrary to Policy SP55 of the Rotherham Local Plan Sites and Policies 2018, which among other things, requires development to have regard to its surroundings and ensure the amenity of any land use is not adversely affected. It is also contrary to paragraph 127(f) of the Framework, as stated.
9. The Council has also referred to its Supplementary Planning Guidance in the refusal reason, but the document that is before me is in draft so it has not been determinative in this case.

Other Matters

10. The Council did not raise any concerns regarding the appearance of the extension and I have no reason to disagree. However, this does not alter or outweigh my findings in relation to the main issue.

Conclusion

11. For the reasons given, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR