



Appeal Decision

Site visit made on 15 December 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2021

Appeal Ref: APP/P4415/D/20/3256415

34 Kestrel Avenue, Thorpe Hesley, Rotherham S61 2TT

- 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 Wes Barrett against the decision of Rotherham Metropolitan Borough Council.
- The application Ref RB2020/0454, dated 19 March 2020, was refused by notice dated 13 May 2020.
- The development proposed is for the erection of first floor side extensions.

Decision

1. The appeal is allowed, and planning permission is granted to erect a part two/part first floor side extension and a further first floor side extension at 34 Kestrel Avenue, Thorpe Hesley, Rotherham S61 2TT in accordance with the terms of the application, Ref RB2020/0454, dated 19 March 2020, and the plans with it, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: 001 A; 002; 003 A and 004 A.
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
 - 4) The first floor extension¹ hereby permitted shall not be occupied until the rear en-suite window at first floor has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Procedural Matter

2. For clarity, I have taken the description of development in the banner heading above from the appeal documents. However, in my decision I have amended the description of development for both accuracy and precision purposes.
3. Since the decision was made by the Council to refuse the planning application, the Council's Householder Design Guide Supplementary Planning Document 2020 (SPD) has been adopted in June 2020. The Council have confirmed that the content of the SPD has little differences to the Interim guidance used to

¹ To the right of the host dwelling when viewing the site from the front

determine the application and that there are no implications on the scheme before me. As both parties have been able to comment on this matter, I will not prejudice any party in taking the adopted SPD into consideration in the determination of this appeal.

Main Issue

4. The main issue of this appeal is the effect of the proposed development on the character and appearance of the appeal site and surrounding area, particularly through the resultant width of the property.

Reasons

5. The host dwelling is a detached dwelling on a suburban estate, occupying a visually prominent position in the street. The dwellings in the vicinity of the appeal site are mainly in the form of detached and semi-detached dwellings varying in design and appearance. The host dwelling forms part of a row of 3no. similar designed dwellings, of which it is located centrally. However, due to the layout of the estate and such features as a footpath, the distances between these dwellings is notable. Additionally, the land levels increase in the direction of Plover Croft from the site, due to the surrounding topography.
6. Residential properties in the vicinity of the site face the road. However, whilst the host dwelling faces the road, it does so at an oblique angle and is sited within a generous irregular shaped plot. I have had regard to the guidance contained within the SPD but note that there is little specific detail surrounding first floor side extensions or extensions to detached dwellings. Taking the part two/part first floor side extension, which is sited to the left of the host dwelling when viewed from the front, I accept that this would be greater than half the width of the original house. However, due to the existing single storey side extension and the provision of a setback of 0.5m, I find that this element of the proposed development would comply with the guidance contained within the SPD.
7. With regards to the first floor side extension to the right of the host dwelling when viewed from the front, I consider that this extension would be compliant with the guidance, especially as it is set in from the side elevation of the existing single storey projection. Overall, whilst I accept that the proposed development would increase the width of the property at first floor, it would not at ground floor, due to the presence of the existing additions. Thus, the proposed development would project no further than the confines of the existing footprint, which I consider, in this instance, to form a material consideration.
8. I consider that the proposed development incorporates elements of subordination in its design, in the form of lower ridgelines and setbacks from the front elevation of the existing dwelling that provide further mitigation against any visual harm. Whilst noting that the roofs over the extensions are hipped, they nonetheless would have a similar pitch to the main dwelling. Whilst this is contrary to the advice contained within the SPD, the proposed development would still achieve a complementary appearance on this detached dwelling, particularly through its symmetrical appearance being maintained. I accept that the proposed development would not be fully compliant with the guidance contained in the SPD. However, the scheme would be a well designed, subordinate development that would not result in any significant

harmful visual effects. In light of this and the site-specific circumstances, the scheme would still accord with the overall design aims of the SPD.

9. For the above reasons, I therefore conclude that the proposed development would not unacceptably harm the character and appearance of the appeal site and the surrounding area. This would accord with the design, character and appearance aims of Policies CS28 of the Council's Local Plan Core Strategy 2014, SP55 of the Local Plan Sites and Policies 2018, the SPD and the requirements of the National Planning Policy Framework.

Conditions

10. I attach a condition specifying the approved plans, for certainty, and a condition to ensure that the facing materials would match those used in the existing building is necessary in the interests of the character and appearance of the host dwelling. A condition securing obscure glazing to the proposed first-floor rear window is both reasonable and necessary to ensure that the living conditions of the neighbouring occupiers to the rear of the site are maintained.

Conclusion

11. Taking all matters into consideration, I conclude that the appeal should succeed.

W Johnson

INSPECTOR