



Appeal Decision

Site Visit made on 20 July 2021

by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2021

Appeal Ref: APP/P4415/D/21/3268423

77 Broom Avenue, ROTHERHAM, S60 3NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr Michael Woodward against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2020/1567, dated 2 October 2020, was refused by notice dated 19 November 2020.
 - The application sought planning permission for 'two storey side and single storey front and rear extensions' without complying with a condition attached to planning permission Reference RB2018/1277 dated 8 October 2018.
 - The condition in dispute is No 2 which states that: 'The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)
(Location Plan and Site Plan, Existing Plan BA05-1) (received 13/08/18)
(Proposed Plan BA05-2-Rev.A) (received 05/10/2018)
 - The reason given for the condition is: 'To define the permission and for the avoidance of doubt'.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side and single storey front and rear extensions at 77 Broom Avenue, Rotherham S60 3NG in accordance with the application reference RB2020/1567 dated 2 October 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and site plan (with heading Appeal Ref APP/P4415/D/21/3268423) and plan BA05 Revision B dated 30 September 2020.
 - 2) Two parking spaces of 5 metres x 2.5 metres shall be provided within the site.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021. Paragraph 218 indicates that its policies are material considerations which should be taken into account in dealing with applications from the day of publication. The principal parties were therefore invited to comment on any implications of the revised Framework for this appeal but did not submit any comments. I have determined the appeal having regard to the revised Framework.

Background and Main Issue

3. Planning permission for the development described in the banner heading above was granted by the Council on 8 October 2018. The extensions were completed on 3 January 2020 but as built, do not accord with the approved plans which were the subject of condition 2 of that permission. Although a variation of condition 2 is proposed to amend the plans to accord with what has been built, the effect of allowing the appeal would be to grant a new planning permission for the development and I have therefore dealt with it as a section 73A appeal.
4. At my site visit I noted that the front lean-to as constructed extends across the full width of the dwelling instead of stopping at the ground floor window as shown on the appeal plans. However, that is being dealt with as a separate matter by the Council and I have determined the appeal based on the plans before me.
5. With that background, the main issue in this case is the effect on the character and appearance of the host property and the surrounding area, having particular regard to the effect on the Broom Avenue street scene.

Reasons

6. The appeal property is a two storey semi-detached dwelling located in a residential area to the east of Rotherham. A number of dwellings on Broom Avenue have been altered and extended to the side and front, creating some variety in the dwelling styles, features and materials in the street scene. However, this has not undermined the regular layout of the semi-detached pairs which, together with their position set back from the road behind grass verges, contributes to the spacious and established character of the street scene.
7. The Council has no objection to the single storey front and rear extensions and I see no reason to disagree with that assessment. The Council's main concern is that the two storey side extension does not appear as a subordinate addition to the host dwelling and unbalances the symmetry of the appeal property and the adjoining dwelling at No 79 as a semi-detached pair.
8. Due to its position on the inside of a curve in the road, the appeal property is visible from longer distances when approaching along Broom Avenue from the north-west. No 79 has a two storey side extension which is slightly set back from the front wall of the original dwelling and with a lower ridge height than the original roof. Nos 71 and 73 to the north of the appeal dwelling have been extended in a similar manner.
9. The first floor of the side extension has been set approximately one brick back from the wall of the host dwelling, creating a marginal shadow line. However, this does not accord with the guidance in the Householder Design Guide Supplementary Planning Document (2020) (SPD) which advises that two storey side extensions should generally be set back by a minimum of 0.3 metres at first floor level. The SPD also requires that the roof should be set down and back from the main body of the house and in this case the ridge, eaves and roof plane are flush with the host dwelling.
10. A greater distance of set back from the front wall and a lower ridge height would have retained a stronger profile of the host dwelling's original form.

However, the hipped roof form of the side extension appears as a sympathetic addition and the brick and tiles match those of the existing dwelling and the string course and soldier course brick details are well executed.

11. The two storey side extension at No 79 has already disrupted the symmetry and balance of the semi-detached pair and the appeal property's side extension does not cause material harm in that regard. When approaching along Broom Avenue from either direction, the extension is seen in conjunction with other dwellings which have been extended to the side and is not unduly prominent or conspicuous in the street scene and does not harm or undermine its spacious and established character. Furthermore, the unused path between the appeal dwelling and No 75 ensures that there is a reasonable separation distance between the two properties.
12. In conclusion, I find that the development does not conflict with Policy CS28 of the Rotherham Local Plan Core Strategy (2014) and Policy SP55 of the Rotherham Local Plan Sites and Policies document (2018) both of which, amongst other things, seek to ensure that development proposals are responsive to their context and visually attractive as a result of good architecture and have regard to the setting of the site including the grain of surrounding development. The Framework's requirement that development should be visually attractive and sympathetic to local character would also be met.
13. The development does not fully accord with the guidance in the recently adopted SPD in relation to wall set back and roof height for two storey side extensions. However, each case has to be considered on its merits. For the reasons outlined above, I have found that the proposal is in keeping with the character and appearance of the host property and does not harm the character of the Broom Avenue street scene. As such, a decision other than in accordance with the SPD guidance is justified in this case, but it is based on the specific circumstances of the appeal site and the details of the scheme before me.

Conditions

14. For the reasons outlined above and having had regard to all other matters raised, I conclude that the appeal should be allowed. I will grant a new planning permission without the disputed condition but substituting another specifying the approved plans for certainty and restating the condition requiring parking spaces to be created in the interests of highway safety.

Sarah Housden

INSPECTOR