



Appeal Decision

Site Visit made on 20 July 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2021

Appeal Ref: APP/P4415/W/21/3273591

11 Oak Dene Way, Waverley, Rotherham, South Yorkshire S60 8BE

- 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 Mrs Nicola Burkinshaw against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2020/2062, dated 10 December 2020, was refused by notice dated 4 March 2021.
 - The development is the erection of outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development as it is shown on the planning application form includes a large amount of superfluous commentary. For ease of reference, I have used the description of development from the Council's decision notice. In addition, and since the outbuilding has now been erected, I have considered the appeal scheme as seeking retrospective planning permission.
3. Following the submission of the appeal a revised National Planning Policy Framework (the Framework) was published. The main parties have been given the opportunity to comment. I have taken the new Framework and any comments thereon into account in my decision.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The outbuilding is located to the rear of the appeal property. It lies within a communal parking area, with grassed areas and landscaping in between the designated parking spaces. As the outbuilding is located to the rear of the properties on this part of Oak Dene Way, there are very limited views of it from within the wider area. However, it is very visible from the rear of the properties that back on to the communal area.
6. The design of the outbuilding and its materials are not out of keeping with the surrounding area. However, due to its size and position, the outbuilding appears as an incongruous, overly prominent and intrusive feature within the communal area. It reduces the open appearance of this location, which contributes positively to both its character and function as a parking area.

7. As such, the outbuilding significantly harms the character and appearance of the area. It is therefore contrary to Policy CS 28 of the Rotherham Local Plan Core Strategy 2013 – 2028, adopted 2014, and Policy SP 55 of the Rotherham Local Plan Sites and Policies, adopted 2018, which require proposals to respect and enhance the distinctive features of Rotherham, be responsive to their context and positively contribute to the local character and distinctiveness of an area and the way it functions, amongst other matters. It also conflicts with the guidance on garages and outbuildings in the Rotherham Local Plan Householder Design Guide Supplementary Planning Document, adopted 2020, which advises that such buildings should not be of an excessive size amongst other matters.
8. The appeal scheme also conflicts with the design objectives set out in the Framework and the guidance on design in the National Planning Policy Guidance.

Other Matters

9. The appellant draws attention to a number of sheds that are also located within the communal area. However, these sheds are significantly smaller than the outbuilding and as such do not appear incongruous in this location nor do they affect its prevailing open character.
10. The appellant contends that if the outbuilding was located in the garden of the appeal property, given its height, it would benefit from permitted development rights. Even if this is correct, the building is not located within a garden and as such any rights under permitted development therein would not apply to the appeal site. In any event, height is only one such consideration for whether a given development would be permitted without the need for express planning permission. In addition, permitted development works benefit from deemed planning permission which, in the majority of cases, are not required to be assessed in terms of their planning merits. I therefore give this matter very limited weight.

Conclusion

11. For the reasons given above, the proposed development conflicts with the development plan taken as a whole. There are no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR