
Appeal Decisions

Site visit made on 25 August 2021

by **P H Willows BA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 September 2021

Appeal 1: APP/P4415/C/21/3269717

Appeal 2: APP/P4415/C/21/3269718

15 Durham Way, Parkgate, Rotherham S62 6FL

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr Craig Foster (Appeal 1) and Mrs Lyndsay Foster (Appeal 2) against an enforcement notice issued by Rotherham Metropolitan Borough Council.
 - The enforcement notice, numbered EN2020/0121, was issued on 23 February 2021.
 - The breach of planning control as alleged in the notice is, without planning permission, the unauthorised erection of a single storey front extension.
 - The requirements of the notice are to 'demolish the front extension, remove all resultant building waste and the reinstate the bay window in its original position'.
 - The period for compliance with the requirements is 6 months.
 - Appeal 2 is proceeding on the grounds set out in section 174(2) (a) and (c) of the Town and Country Planning Act 1990 as amended. Appeal 1 is proceeding on ground (c) only.
-

Decisions

Appeal 1: APP/P4415/C/21/3269717

1. The appeal is dismissed.

Appeal 2: APP/P4415/C/21/3269718

2. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a single storey front extension on land at 15 Durham Way, Parkgate, Rotherham S62 6FL.

The appeals on ground (c)

3. An appeal on ground (c) is a claim that the matters stated in the enforcement notice do not constitute a breach of planning control. The appellants say that they made contact with the Council and were advised that the extension would be permitted development. However, the Council does not have any record of this. In any event, I have no indication of why the extension would be permitted development. As the Council points out, the provisions for the enlargement or alteration of dwellinghouses at Class A of Part 1 of Schedule 2 to the *Town and Country Planning (General Permitted Development) (England) Order 2015* specifically exclude extensions in front of the principal elevation of the original dwellinghouse, as is the case here. No other specific permitted development provision has been referred to by either party.

4. For these reasons the appeals on ground (c) fail.

Appeal 2, ground (a)

5. The appeal property is one end of a terrace of 3 houses, within a small, fairly new, housing development. The original front bay window has been replaced with a ground floor extension with a mono-pitch roof across the front of the house. Since the house at the opposite end of the terrace retains its bay window, the symmetry of the terrace has been compromised. The Council's *Householder Design Guide* supplementary planning document (SPD) points out that front extensions are eye-catching and can significantly alter the appearance of a building. It advises that, in general, bay windows should be retained and, on terraced and semi-detached properties, single storey extensions that extend across the entire frontage will normally be refused.
6. However, such guidance needs to be applied with regard to the particular characteristics of the property and development in question. In this case the house is located in a corner of the housing development at the end of a turning head, facing some car parking spaces. It is also set back behind a driveway. Consequently, it is not prominent in the street scene. Moreover, a brick building has been constructed forward of the main elevation of the house. Because of this, the overall massing of development at the appeal property is different to that at the other 2 properties that make up the terrace. Given that context, the loss of symmetry to the ground floor is not harmful. While front bays are a common feature within Durham Way, the loss of one in this unobtrusive location does not compromise the character of the area. The front extension is not excessive in scale and has been well-executed, with materials and windows that match the original property well.
7. With these points in mind, while the appearance of the dwelling has been significantly altered, I do not consider that the development has caused visual harm to the house or the area. Consequently, I find no conflict with the design aims of Policy CS28 of the Rotherham Local Plan Core Strategy or Policy SP55 of the Sites and Policies development plan document. Nor are the aims of the National Planning Policy Framework, which emphasises the importance of good design, compromised.
8. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted. Neither party has suggested any planning conditions, and none are necessary in my view.

Overall effect of these decisions

9. Both appeals fail on ground (c). Since this is the only ground pleaded for Appeal 1, the decision is to dismiss that appeal. However, the effect of allowing Appeal 2 on ground (a) is to quash the notice and grant planning permission for the development. Thus, the dismissal of Appeal 1 is of no practical consequence.

Peter Willows

INSPECTOR