



Appeal Decision

Site Visit made on 2 June 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2021

Appeal Ref: APP/P4415/W/21/3269929

90 Fleming Way, Flanderwell, Rotherham S66 2EZ

- 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 Debbie Wilson against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2020/1564, dated 15 September 2020, was refused by notice dated 30 November 2020.
 - The development proposed is erection of 1 No dormer bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development included in the Council's Decision Notice and the Appeal Form as the description of development section of the Application Form has not been completed.
3. Since the submission of the appellant's appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I have sought the views of the main parties in writing and comments received have been taken into consideration.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - the effect of the proposed development on the living conditions of existing and future occupiers of 90 Fleming Way.

Reasons

Character and Appearance

5. The appeal site is the side and rear garden of 90 Fleming Way, a detached two storey dwelling on a corner plot at the junction with Markfield Drive. Dwellings along this side of Fleming Way tend to be set back similar distances from the road behind private gardens, with high fences forming the boundary with the pavement edge. Despite the height of the boundary fences, the regular setback of the dwellings, alongside the sizeable width of the adjacent highway, give the area a distinctive spacious and open character. Further north, the dwelling at 2 Greenfield Gardens is positioned closer to the road, however, the road bends

away from this property giving the impression of greater space to the side which helps to maintain the open character.

6. High fences demarcate the boundaries of the appeal site with the pavement of Fleming Way, the footpath that runs along the northern boundary and with the neighbouring property. Being set back from the road edge, with an intervening garden to the side and rear, the appeal site reinforces the open character of the area.
7. The proposal would involve constructing a new dwelling much closer to the pavement edge than the existing dwelling. Although set to one side of the dwelling, it would substantially infill the open space between the line of that dwelling and the road. As a consequence, it would obtrude into the regular pattern of dwellings, set back behind private gardens that characterise the area. Whilst the dwelling would be single storey in part, it would still introduce substantial built form into an area that is currently open and as a result would appear as an incongruous addition to the streetscene, at odds with the prevailing character.
8. Being sited tight to the pavement, both boundaries to the side and the gable of No 90 would give the development a cramped appearance that would add to the discordant appearance of the development. The proximity of the wide blank gable to the footpath along the northern boundary would only serve to emphasise the cramped nature of the development and its incompatibility with the character and appearance of the area.
9. For the above reasons the proposal would be significantly harmful to the character and appearance of the area and would conflict with Policy CS28 of the Rotherham Core Strategy (2014) (RCS), Policies SP12 and SP55 of the Rotherham Sites and Policies (2018) (RSP), and the provisions of the Framework and National Design Guide, which, amongst other things, seek to provide high quality design with development that is responsive to its context, preserves character and appearance and reinforces local distinctiveness.

Living Conditions

10. The bulk of the private garden serving No 90 is located to the side of the dwelling and would be developed as part of the appeal proposal. This would primarily leave the area between the front of the dwelling and the pavement of Fleming Way and between the side of the dwelling and Markfield Drive as amenity space. However, a substantial portion of the latter, is used as a driveway.
11. The boundaries to the front and side are partly formed by hedges which have been allowed to grow to a height similar to that of the high fence enclosing the appeal site. However, due to the position of the driveway, and the views that can be gained across it, this area is not particularly private. Although the hedge could be extended to enclose the whole of the garden area, hedges change over time and cannot be relied upon to provide consistent levels of screening into the future. Furthermore, Markfield Drive is characterised by its lack of boundary definition. Relying on more substantial boundary features to increase privacy would be incongruous in this location. I therefore cannot be certain that potential boundary treatments would adequately protect the privacy levels of existing and future occupiers of No 90.

12. The existing dwelling is a reasonably sized detached family house. The proposal would leave No 90 with a comparatively small and poor-quality area of amenity space, lacking in privacy. This space would be insufficient in terms of providing suitable private space for children to play, drying clothes or sitting out. The National Design Guide¹ advises that well-designed dwellings should provide good quality internal and external environments for their users, promoting health and well-being. For the above reasons, the proposal would lead to No 90 being deficient in this regard to the detriment of the living conditions of its occupiers.
13. My attention has been drawn to the pair of semi-detached dwellings at the junction of Fleming Way with Fleming Gardens. The majority of the amenity space serving these dwellings is located adjacent to Fleming Way. However, these dwellings are substantially smaller than No 90 and therefore are not directly comparable to the appeal proposal. Furthermore, the lack of suitable amenity space on a site elsewhere is not justification for the harm to living conditions that I have identified above.
14. I therefore conclude that the proposal would be harmful to the living conditions of existing and future occupiers of No 90 Fleming Way. The proposal would therefore conflict with Policy CS28 of the RCS, Policies SP12 and SP55 of the RSP, and the provisions of the Framework and National Design Guide, which, amongst other things, seek to provide high quality design that preserves the living conditions of existing and future occupiers.

Conclusion

15. For the above reasons, and having taken account of all other matters raised, the proposed development conflicts with the development plan taken as a whole and with the approach in the Framework. I therefore conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR

¹ Paragraph 123