



Appeal Decision

Site visit made on 30 November 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2021

Appeal Ref: APP/P4415/W/21/3279031

31 Station Street, Swinton, Mexborough S64 8PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Andrew Lockley against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2021/0675, dated 1 April 2021, was refused by notice dated 18 May 2021.
 - The development proposed is the conversion of existing building into 2 no. apartments (C3 use) - north site and erection of building comprising 6 no. apartments (C3 use) – south site.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Andrew Lockley against Rotherham Metropolitan Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
5. Detailed drawings have been provided however these are indicative only for the purposes of a permission in principle application. I have therefore approached my determination of the appeal on that basis and used these plans only as an aid for assessing the matters which can be considered at this stage.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Main Issue

6. The main issue is whether or not the appeal site could accommodate the amount of development proposed.

Reasons

7. The indicative plans suggest that if six dwellings were to be accommodated on the south part of the site, there would be constraints and challenges presented by the size of the appeal site itself and its relationship to existing dwellings. These refer primarily to matters relating to the living conditions of future occupiers, in particular in terms of outlook, internal space and with respect to the quantum of outdoor amenity space that could be provided, but also with respect to the proximity of the proposed development to existing dwellings.
8. With regard to the proposed dwellings themselves, there would be likely to be a reliance on the use of oriel windows and obscure glazing to the upper floors on the rear elevation to address concerns relating to the proximity to existing properties to the rear. This would reduce the potential outlook that would be available from this elevation. With reference to the second floor, this would be likely to be built into the roof space to maintain the prevailing height of buildings in the vicinity of the appeal site. This would reduce the amount of useable space due to internal head heights and affect the outlook available from the front elevation. The appellant refers to the possibility of including dormer windows and Juliet balconies, but such features do not appear to be characteristic on front roof planes in the surrounding area.
9. I have not been made aware as to whether the Council has adopted the nationally described space standards in its Local Plan, and therefore whether these would be applied. However, the fact that the indicative plans show that these standards would not be met adds weight to the overall concern regarding the ability of the appeal site to accommodate the amount of development that is proposed.
10. The indicative plans suggest that the amenity space which could be provided on-site would be severely constrained in size, with none provided for the north site. It would be unlikely to be in compliance with the figures set out in the South Yorkshire Residential Design Guide 2011, which provides guidance on the amount of amenity space that will be expected in new developments. Whilst details have been provided of open space provision in the area, I have only limited information regarding this, and I cannot be sure that it could adequately compensate for a substantial deficiency in on-site space provision.
11. There are already buildings and boundary treatments on the appeal site of a considerable scale, and these could offset the relative impacts that would arise from the physical form and massing of residential redevelopment. That said, the indicative plans suggest a higher side elevation than that of the existing building which is closest to the rear elevation of the dwellings to the north on Station Street. This would be likely to cause a degree of harm to the outlook from the rear of these dwellings and from their outdoor amenity areas. Given the separate concerns that I have identified with regard to the living conditions of future occupiers, there would appear to be limited scope to address this concern.

12. Whilst detailed matters would fall to be considered at technical details consent stage, I must nonetheless be content at this initial stage that the amount of development proposed could feasibly be accommodated on the appeal site. It is entirely possible that a scheme different to that shown on the indicative plans could be brought forward, but I am not confident that this would be capable of addressing the many concerns that are inherent in the details that have been submitted. Furthermore, there is no flexibility in the amount of development that is sought as set out on the application form, and which would have to be specified on a decision notice, with both the minimum and maximum net number of dwellings stated as being the same.
13. Taken as a whole and for the reasons I have set out, I am not satisfied that the amount of development which is proposed could be accommodated in a way that would not cause harm to the living conditions of existing adjacent occupiers and in a way that would provide acceptable living conditions for future occupiers. Consequently, I also cannot be sure on the basis of the information that is before me that the proposal could accord with the relevant policies of the development plan, where they refer to these matters.

Other Matters

14. The appeal site is located within an established urban area and close to the services and facilities it provides. There would be further benefits arising from the ceasing of the existing use given that the surrounding area is predominantly residential in character, from the contribution that the proposal would make to boosting the overall supply of housing and by making more efficient use of land. However, these considerations do not overcome or address my findings with respect to the amount of development that is proposed.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR