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# Appeal Decision

Site visit made on 31 January 2022

**by David Fitzsimon MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 February 2022.**

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**Appeal Ref: APP/P4415/D/21/3287632**  
**34 Lister Street, Clifton, Rotherham S65 2AU**

- The appeal is made under section 78A of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Hussain against the decision of Rotherham Metropolitan Borough Council.
  - The application Ref RB2021/1222, dated 6 June 2021, was refused by notice dated 24 September 2021.
  - The development undertaken is a loft room with dormer.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The dormer was present at the time of my visit. This has no bearing on my decision which is based on the planning merits of the case.

## Main Issues

3. The main issues in this case are the effect of the dormer on the character and appearance of the host dwelling and the street scene, along with its effect on the living conditions of nearby residents with particular regard to privacy.

## Reasons

### *Character and appearance*

4. The appeal relates to a semi-detached dwelling with a two storey extension to the side which follows the original hipped roof form. Although Lister Street is home to dwellings of various styles, the appeal property sits within a group of similar dwellings and their consistent hipped roofed form is a noticeable element of this particular part of the street scene.
  5. The development which has been undertaken has introduced a very large dormer to the rear and side roof profiles of the appeal dwelling. The rear section of the dormer is so large that it protrudes beyond the hipped profile of the roof. This is in direct conflict with the advice contained within the Council's adopted Supplementary Planning Document titled '*Householder Design Guide*' (SPD) which states that '*the conversion of an existing hipped-end roof into a*
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*gable, in order to allow extra space for a loft conversion, can make a house look odd and imbalanced, particularly if it is semi-detached' (2.11). Although recessed from the front elevation, the blank front facing elevation of the dormer along with part of its side elevation is highly visible within the street scene.*

6. To my mind, the overall scale, bulk and box-like appearance of the dormer fails to respond to the form, proportions and roof profile of the host dwelling. As a result, it appears as an incongruous and cumbersome addition which harms the character and appearance of the host dwelling.
7. Whilst I am mindful that a two storey extension has been added to the side of the appeal property, I consider that the dormer, because of its elevated positioning and prominence, harmfully imbalances the roofscape of this pair of semi-detached dwellings. The effect detracts from this particular part of the street scene where the group of hipped roofed properties I have mentioned make a positive contribution. The use of an alternative external finishing material would not overcome this significant harm and therefore in this regard, I find the development in conflict with the SPD, which promotes high quality design that respects and responds positively to its context.

#### *Living conditions*

8. The rear roof dormer has two windows which overlook the properties to the rear. These windows sit directly above two existing first floor windows which serve two bedrooms and will have already overlooked the properties to the rear including No. 31 Gilberthorpe Street.
9. I appreciate the windows within the dormer are at a higher level than the first floor windows and I note the shallow rear amenity areas of both the appeal property and the properties to the rear. However, I am mindful that a roof dormer could be added to the rear of the appeal property under the provisions of permitted development. Whilst such a dormer would be smaller than the dormer which has been constructed, it could result in comparable levels of overlooking. Furthermore, the Appellant has suggested that obscured glazing could be fitted along with opening restrictors in order to minimise overlooking from the dormers. Further to these considerations, I am of the view that a degree of overlooking is somewhat inevitable in high density urban areas such as this.
10. Taking all of the above factors into account, whilst the development has resulted in further overlooking of the properties to the rear, I consider the overall effect to fall within acceptable parameters. In this particular regard, I find no conflict with the overall aims of the SPD or the National Planning Policy Framework (NPPF) which promote a high standard of residential amenity.

#### *Other considerations*

11. I do not dispute the Appellant's assertion that dormer has provided much needed family space and I accept that the pandemic has generated additional demands in this regard. However, nothing I have seen or read suggests that the development undertaken is the only option for providing additional space.
12. I am also mindful that the development will have generated work for trades and the suppliers of building materials, but this is a short term benefit. Whilst it

has been suggested that the dormer will lead to an increase in the chargeable rate of Council Tax and therefore more revenue for the Council, I have seen no compelling evidence to support such claims.

13. The Appellant asserts that the development does not give rise to any highway safety or drainage issues and the Council has not raised any concerns relating to ecology. However, these are neutral factors in the overall planning balance.
14. Finally, the Appellant argues that the dormer and associated works has made the dwelling more thermally efficient and that it amounts to the efficient use of space and sustainable development. However, the NPPF explains that good design is a key aspect of sustainable development. I have explained why the development undertaken does not exhibit good design and therefore it follows that it cannot amount to sustainable development in the widest sense of the definition provided by the NPPF.

### **Overall Conclusions**

15. I conclude that although any further overlooking arising from the development falls within acceptable parameters, it does harm the character and appearance of the host dwelling and the street scene. In such terms, it conflicts with the SPD.
16. The arguments advanced by the Appellant do not outweigh this harm and the associated conflict with adopted design guidance therefore the appeal does not succeed.

*David Fitzsimon*

INSPECTOR