



Appeal Decision

Site visit made on 1 March 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2022

Appeal Ref: APP/P4415/W/21/3283480

Annandale, Doncaster Road, Thrybergh, Rotherham S65 4BG

- 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 Mr N Mountain against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2021/1375, dated 5 July 2021, was refused by notice dated 7 September 2021.
 - The development proposed is described on the application form as 'proposed new detached dwelling and new vehicle access'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on highway safety;
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties; and
 - whether the proposal would provide adequate living conditions for future occupiers.

Reasons

Character and Appearance

3. The appeal site is an L-shaped parcel of land comprising partly of the lawned garden of Annandale and adjoining land formerly used in association with an adjacent electricity substation. The land has an existing pedestrian gate set within the stone wall forming the boundary with the pavement beside Doncaster Road. A mature tree is located to the back edge of the site close to the boundary with a further substation.
4. Dwellings along this part of Doncaster Road tend to be markedly set back from the road, behind lengthy gardens, giving the area a spacious and coherent feel. This includes the neighbouring dwelling 2 Lilac Cottage¹. The neighbour to the opposite side, Park Corner, is a slight exception to the prevailing character as it is a corner plot with the front elevation and vehicular access facing onto the

¹ As referred to by the Council in its officer's report and decision notice.

adjacent Park Lane. High boundary fences of both of these adjacent dwellings abut the front and side boundaries of the appeal site. In the case of 2 Lilac Cottage this is accompanied by a trimmed conifer hedge. The road slopes down past the appeal site towards the junction with Park Lane.

5. The new two storey dwelling would be large and would occupy much of the length of the appeal site. Although a parking and turning area would be set forward of the dwelling, it would nonetheless be sited close to the front boundary with the pavement, occupying a prominent position in the streetscene that would be at odds with the prevailing character of dwellings set behind large gardens. Furthermore, given the proximity to the substantial boundary with Lilac Cottage and the gable of Annandale, the proposal would appear as a cramped and ad hoc form of development that has been squeezed into the site. To my mind, the close proximity of the proposal to the substation would also add to the cramped appearance of the streetscene. Consequently, the proposal would represent an incongruous addition to the streetscene that would be at odds with the prevailing character.
6. Furthermore, the lack of first floor fenestration in the extensive elevation facing the boundary with Lilac Cottage and the resulting high solid to void ratio would add to the bulk and dominance of the structure. Given its scale, height and bulk, this elevation would be highly prominent for some distance travelling down the hill towards the appeal site along Doncaster Road, where it would appear as a discordant addition to the streetscene to the detriment of the spacious character of the area.
7. The appellant cites the Rotherham Landscape Character Assessment and Landscape Capacity Study (2010) and states that Thrybergh has a strength of character noted as poor/weak owing to the many differing styles, sizes, boundary treatments and condition of properties. Whilst this may be the case for Thrybergh as a whole, as outlined above, I have found that Doncaster Road exhibits a clear and coherent character of dwellings set back behind large gardens.
8. The appellant contends that the dwelling at Park Corner would be closer to the road than the appeal site. However, this dwelling is a corner plot with an access and main elevation facing onto Park Lane. Indeed, it is a blank gable that lies closest to Doncaster Road, to which the appellant is referring. To my mind Park Corner thus appears as part of development along Park Lane rather than Doncaster Road and is therefore not directly comparable with the appeal site or the rest of this part of Doncaster Road which exhibits a clear character outlined above.
9. I note that the site is an accessible location, and that materials could be secured that would be consistent with the setting. I also note that the proposal would meet density requirements. However, this would not overcome the harm in terms of the character and appearance that I have identified above.
10. 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 National Planning Policy Framework (the Framework), 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.

Highway Safety

11. Doncaster Road (A630) is a busy 30 mph limit road linking Thrybergh with central Rotherham. Notwithstanding the speed restrictions in place, my impressions on the site visit were that vehicle speeds were reasonably high, particularly those travelling down the hill towards the appeal site. Whilst it appears that the majority of properties along this side of the road have separate vehicle accesses from more minor roads nearby, some also have driveways and parking areas directly onto Doncaster Road. This includes the property adjacent, 2 Lilac Cottage. This access was constructed following a grant of planning permission in 2019².
12. The appeal site is located on a bend in the road. It is proposed to form a new access onto Doncaster Road by removing a section of the existing boundary wall and providing a crossing over the pavement and highway verge. Visibility in the position of the access is limited by the curvature of the road and the neighbouring boundary treatments. Visibility to the left when exiting the access would be particularly poor and would be impeded by the tall fence to the front of 2 Lilac Cottage and the tall hedge to the front of its neighbour, No 150. As such it is likely that vehicles will need to pull out into the carriageway, particularly when turning right. This would be likely to lead to vehicles waiting in the highway, potentially causing an obstruction to traffic to the detriment of the safety of road users.
13. The limited visibility is demonstrated by the sightlines drawing³ which shows a sight line of 22.6 metres up the slope to the left, with 91.3 metres looking right. The Highway Authority has highlighted that Manual for Streets indicates that such visibility distances are appropriate for vehicle approach speeds of up to 19 mph. It follows that a significantly greater visibility distance is recommended to ensure a safe exit where traffic is travelling at faster speeds such as around the 30 mph limit. Whilst I am mindful that Manual for Streets advocates a move away from the rigid application of design standards, this nonetheless supports my above reasoning.
14. The appellant has indicated that a greater level of visibility to the left could be achieved by taking into account land at 2 Lilac Cottage. The appellant states that a condition of RB2019/0747 was that approved visibility splays should remain clear, however, this land is outside of the control of the appellant and therefore could not be relied upon to remain open in the future. I note that the owner of that property could apply to construct further development here without the permission of the appellant in this regard. Moreover, as I have noted above, a high fence in this position currently severely impedes visibility.
15. I have had regard to the accident data provided by the appellant which is limited to one accident in eight years along this part of Doncaster Road since 2016. However, this cannot provide confirmation of the appeal scheme's future effect on highway safety if allowed and does not alter my findings which are based upon the proposal and the site-specific factors outlined above.

² RB2019/0747

³ Sight Lines for New Entrance. Dwg. No. 07 Rev. A

16. The appellant has referred to the RB2019/0747 decision and has raised concerns over the Council's consistency in decision making. However, whilst I cannot be certain of the exact circumstances under which the decision was made, I note from the Council that the situations between the two proposals are different. Notably this is because RB2019/0747 related to an existing dwelling which previously had an unsatisfactory substandard vehicular access, whilst I also note that 2 Lilac Cottage is located in a different position along the bend than that of the appeal proposal. To my mind the cases are therefore not directly comparable. Nevertheless, I have determined the appeal on its own merits.
17. For the above reasons I conclude that the proposal would have an unacceptable impact on highway safety as set out in paragraph 111 of the Framework.

Living Conditions - Existing Occupiers

18. Notwithstanding the lengthy gardens forward of the dwellings along Doncaster Road, which tend to be open with limited development, neighbouring dwellings in the vicinity tend to have a close relationship with one another. Intervisibility between windows and neighbouring garden areas is common. As such, privacy levels in gardens tend not to be particularly high and often overlooked by windows of neighbouring dwellings.
19. The Council is concerned that the windows in the proposed dwelling would potentially lead to overlooking of the private rear garden of Park Corner. However, given the close-knit mix of properties, limited levels of privacy and haphazard intervisibility between properties, the scheme would not be unacceptable in that regard. Such a relationship would, in my view, be entirely consistent with the prevailing nature of the area described above.
20. Nevertheless, the proposed dwelling would be sited in close proximity to the boundary with 2 Lilac Cottage and would extend for much of the length of its garden, at two storeys in height. Given the scale and height of the proposed dwelling, it would be highly dominant and imposing in views from this garden and, to a lesser extent, the windows of the dwelling. This would not be mitigated by the presence of a hipped roof. The high solid to void ratio of this elevation would add to the overall bulk and overbearing nature of the structure here, significantly reducing the levels of outlook experienced by the occupiers of 2 Lilac Cottage. This would be at odds with the prevailing levels of outlook within the area which are reasonably high owing to the lengthy open gardens forward of the dwellings.
21. I therefore conclude that the proposal would be harmful to the living conditions of the occupiers of 2 Lilac Cottage. The proposal would therefore conflict with Policy CS28 of the RCS, Policies SP12 and SP55 of the RSP, and the provisions of the Framework, which, in summary and amongst other things, seek to provide high quality design that preserves the living conditions of existing and future occupiers.

Living Conditions – Future Occupiers

22. Being located towards the corner of the site, close to the boundary with 2 Lilac Cottage, would allow for the creation of a lawned garden area set predominantly behind the substation. Due to the screening from the road

provided by the substation and its position in relation to windowed elevations of neighbouring dwellings, this space would consequently be relatively private. Given its orientation, the low roof height of the substation and the setback of the dwelling at Park Corner, this space would also likely benefit from reasonable levels of sunlight during the day.

23. I accept that the outdoor space forward of the dwelling would predominantly comprise of the parking and turning area, whilst the outdoor space adjacent to the boundaries with 2 Lilac Cottage and Annandale would be limited. Nonetheless, the area to the side of the dwelling would, to my mind, provide adequate space for domestic activities, taking into account the scale of the dwelling. The appellant states that this area would measure 7 metres by 13 metres. Whilst this would be below the minimum recommended distance for the depth of back gardens as outlined in the South Yorkshire Residential Design Guide (2011) (the SPD), I am mindful that this is guidance and cannot envisage every situation. Nonetheless, the SPD sets out that the garden depth requirement is primarily for the purposes of privacy and to avoid an overbearing relationship between opposing buildings. In this regard the proposal would exceed the SPD's minimum privacy distance from the corresponding elevation of Park Corner⁴.
24. Furthermore, the Council confirms that the space would exceed the minimum standard of 60 square metres for private outdoor space for a dwelling of this size as set out in the SPD. This supports my above reasoning. Whilst I note that the SPD is specifically applicable to proposals of 10 or more dwellings, it nonetheless contains logical parameters to have regard to in terms of assessing living conditions of future occupiers. In this regard I am mindful that at section 1.2 it sets out that many of the design guidelines are appropriate to smaller developments.
25. Based on my above assessment, owing to the size of the area, the likely privacy levels and likely levels of sunlight, I am satisfied that the outdoor space proposed would be appropriate for the proposed dwelling. I therefore conclude that the proposal would provide adequate living conditions for future occupiers. The proposal would therefore comply with Policy CS28 of the RCS, Policies SP12 and SP55 of the RSP, and the provisions of the Framework which, in summary and amongst other things, seek to provide high quality design that preserves the living conditions of existing and future occupiers. The proposal would also comply with the general provisions of the SPD which guides that back gardens of houses should be appropriate to the size of the property, its orientation and likely number of inhabitants.

Other Matters

26. I have reasoned above that the proposal would result in harm to character and appearance, highway safety and living conditions (within both the terms of relevant elements of the development plan and the Framework). There would nonetheless be a small social benefit in providing an extra housing unit within an accessible location. Limited economic advantages would also arise from the construction and occupation of a new house.
27. The appellant alleges that the Council has consistently under delivered on housing completions and has failed to meet the housing delivery test (HDT) but

⁴ 2.0 3 Appellant's Statement.

has not provided any evidence to support that assertion. The appellant also questions the Council's inclusion of former greenbelt land in its five year housing land supply (5YHLS) and suggests a flood risk assessment is out of date, however I am not directed to any particular scheme.

28. Nonetheless, inherent in my reasoning above, is that even if a 5YHLS were not in evidence or the Council had under delivered in relation to the HDT, and paragraph 11 d) of the Framework were engaged, the adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits that would result.

Conclusion

29. For the reasons given, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR