



Appeal Decision

Site visit made on 26 April 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2022

Appeal Ref: APP/P4415/W/21/3287687
1-3 Moor Lane North, Rotherham S65 4LZ

- 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 Precision Group (Mr Nick Waller) against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2021/1013, dated 10 May 2021, was refused by notice dated 30 September 2021.
 - The development proposed is erection of 1 No. dormer bungalow for Precision Group.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development was changed by the Council to that in the header above. A letter was sent to the applicant, but no agreement to that change is with me, however the appellant used the revised description on the appeal form. Irrespective of that, the Council changed the description a second time on the Decision Notice. I have used the first description change as it was used by the appellant. I am satisfied that neither party is prejudiced by this action.

Main Issue

3. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is located close to a crossroads under traffic signal control, in a predominately residential area. A pair of dwellings are currently under construction with two access points onto Moor Lane North.
5. The appeal proposal seeks to erect one additional dwelling in the would-be garden of the dwellings under construction although the area for the property has already been separated off from the rear of Nos 1-3 Moor Lane North. The property would be two storeys internally, with rooms in the roof-space created by dormers to allow the second storey.

6. There are predominately single storey dwellings in the immediate locality, but a mix of dwelling types in the wider area, as well as a Public House on the crossroads. The properties overall in the locality have a rhythm in terms of architectural style, scale, bulk and massing. There is a sense of structure to the overall pattern and layout of the area.
7. The proposed dwelling would be accessed to the side of No.3 and would not be visually prominent within the street scene, due to the site location being set back beyond Moor Lane North, and the screening given by Nos 1-3.
8. Notwithstanding this, the proposals would occupy a significant proportion of the land to the rear of Nos 1 and 3. The arrangements of the buildings and space within the site would appear cramped and incongruous when seen from the Rear of the Moor Lane North properties and the adjacent dwelling (No.5).
9. From that perspective it would appear as a incompatible and disproportionate form to the rear and side of those properties, and would harmfully disrupt the existing sense of order of the immediate locality given the cramped and contrived nature of the proposed dwelling. It therefore follows that the proposal would fail to respond positively to the character and form of its surroundings and harm the character and appearance of the area. The design of the development would also introduce an uncharacteristic building form into the locality.
10. The regularity of building layout seen in the locality, beginning with the properties to the front and side of the appeal site as well as the properties opposite, gives a cohesive character to the area.
11. I have taken into account the comments of the Appellant in relation to other developments that have gained consent. However, I do not have the full details of those cases in front of me, but the sites would have different designs, locational context and relationships with their surroundings than the appeal scheme. I am required to deal with this proposal on its own merits, and as such, I accord this matter limited weight.
12. Whilst the site is located in a residential area, having regard to all of the above I conclude that the proposal would harm the character and appearance of the area. The development would, therefore, conflict with Policies SP32 and SP55 of the Rotherham Local Plan Sites and Policies Document (2018) and CS28 of the Rotherham Core Strategy (2014) which amongst other matters, expect development to consider the setting of the site, grain of development, architectural detailing, reinforce local distinctiveness and positive sense of place and responsive to their context and be visually attractive. I also find conflict with the guidance set out in Paragraph 130 of the National Planning Policy Framework.

Other Matters

13. I have also noted the previous approval on the site which has subsequently lapsed. The previous approval was granted under an old planning policy regime, and this appeal must be assessed under the current policy position, and I have identified harm accordingly.

Conclusion

14. For the reasons given above, I therefore conclude that the appeal be dismissed.

Paul Cooper

INSPECTOR