



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/21/3289287

161 Psalters Lane, Holmes, Rotherham S61 1HR

- 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 Mohammed Ashraf against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2021/0086, dated 2 January 2021, was refused by notice dated 5 July 2021.
 - The development proposed is erection of 1no. dormer bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development was modified during the planning application. There is agreement from the appellant on the appeal form.

Main Issues

3. The main issues in this appeal are:-
 - The effect of the development on the character and appearance of the area.
 - The effect of the development on the living conditions of adjacent residents, with regard to outlook and sunlight.
 - The living conditions of future residents, in terms of private amenity space.

Reasons

Character and appearance

4. The appeal site lies within a predominately residential area. Generally, the properties in the immediate locality are terraced in nature, with considerable amounts of on-street parking as a result. There is some consistency in scale, roof orientation and materials, and overall has the character of a traditional residential area.
5. The proposal seeks to erect a dormer bungalow to the rear of No.161 Psalters Lane, in an area located to the rear of a number of terraced dwellings, accessed between nos161 and 163, which appears to have been used for parking and general domestic uses. The access to the site slopes steeply downhill from Psalters Lane and the site is located at a significantly lower level than the Psalters Lane properties.

6. The urban grain is very dense in nature with areas such as the land that includes the appeal site allowing a little respite from development. Adding an additional dwelling onto this backland site would not be a positive feature with regard to the character and appearance of the area.
7. I find that the design of the dwelling would look incongruous in this area. As stated previously the predominant property type is that of narrow terraced dwellings. The introduction of a dormer bungalow of contrived design to fit the small site would not sit well within the immediate locality and would look at odds with the simple designs and perspectives of nearby properties. I find that the appeal proposal would magnify that level of incongruity, to the harm of the character and appearance of the area, even though, due to the site levels, it would not form part of the street scene. I find that it would still harm the character and appearance of the area.
8. As a result, I find the appeal proposal contrary to Policy CS28 of the Rotherham Local Plan Core Strategy (2014) (the CS) and policies SP12 and SP55 of the Rotherham Local Plan Sites and Policies Document (2018) (the SP) which, amongst other matters, expect development to take opportunities to improve the character and quality of an area, consider surrounding development and contribute to local character and distinctiveness.

Living conditions of adjacent residents

9. The proposed dwelling would be sited close to the boundary with the rear of properties on Claremont Street (Nos 2-8). In terms of sunlight, the property would be located to the west of those properties, and ultimately have a very close relationship with those properties.
10. Whilst the Claremont Street properties have longer rear gardens than those on Psalters Lane, the location of the new dwelling would undoubtedly cause some overshadowing to the Claremont Street rear gardens for a large percentage of the afternoon, causing a loss of sunlight to the private amenity areas of those properties.
11. The proposal would bring built development significantly closer to the rear of the Claremont Street properties, and consequently as a result of the scale and proximity of the proposal, it is considered that the proposal would have an unacceptable overbearing effect upon the outlook from both the rear gardens and rear habitable rooms of the Claremont Street properties.
12. The proposal would therefore be harmful to the living conditions of Nos 2-8 Claremont Street with respect to the overbearing and overshadowing nature of the proposals on the rear garden areas and rear habitable rooms of those properties. As a result, I find the proposals are contrary to Policy SP55 of the SP which, amongst other matters, expects development to consider the orientation of development to enable sunlight and daylight to penetrate and development should protect adjoining land and properties from overshadowing.
13. I also find that the proposals are contrary to Paragraph 130 (f) of the National Planning Policy Framework (the Framework), which amongst other matters, expects proposals to have a high standard of amenity for existing users.

Living conditions of future residents

14. The plans submitted with the application show 16 square metres of private amenity space. The Council have indicated through their evidence that the South Yorkshire Residential Design Guide, which has been through full consultation, states that 50 square metres of private amenity space is expected for a property of this nature.
15. I find that not only is the quantity of the private amenity space substandard, but the quality is also substandard. It is located to the front of the property, adjacent the parking area. I consider this to not constitute private amenity space, given its location. Additionally, the allocated size is not appropriate when the trappings of a residential dwelling area taken into consideration to further delete from that space. As such, the lack of amenity space, and the lack of privacy of that space, would be harmful to the living conditions of future occupants of the property.
16. Therefore, in relation to this issue, I find the proposals are contrary to the amenity standards set out in Section 4A of the South Yorkshire Residential Design Guide and Paragraph 130 (f) of the Framework that expects proposals to have a high standard of access for future users.

Conclusion

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

Paul Cooper

INSPECTOR