
Appeal Decision

Site visit made on 6 July 2022

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2022

Appeal Ref: APP/P4415/W/21/3289696

22 Ashwood Road, Parkgate, Rotherham S62 6HT

- 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 Clive Ardagh of C.G. Ardagh Investments Ltd against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2021/1073, dated 24 May 2021, was refused by notice dated 8 October 2021.
 - The development is described as "Extension of outbuilding and erection of conservatory".
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Decision

1. The appeal is allowed and planning permission is granted for extension of outbuilding and erection of conservatory at 22 Ashwood Road, Parkgate, Rotherham S62 6HT in accordance with the terms of the application, Ref RB2021/1073, dated 24 May 2021, and the plans numbered FF-161-2, FF-161-5 Rev A, FF-161-6 and FF-161-7.

Preliminary Matters

2. I have taken the description of the development from the decision notice and the appeal form as this more accurately describes the development as shown on the plans subject of the appeal. Whilst I have determined the appeal in accordance with the submitted plans, the outbuilding and conservatory have been erected.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of No 20 Ashwood Road, with specific regard to outlook and light.

Reasons

4. The appeal property is a two storey terraced dwelling with a garden to the rear. Each property along this short terrace includes a rear projection, narrower in width than the main dwelling, referred to by the Council as an "off-shot". Most examples of these rear projections are two storeys high, an exception being at the appeal property, where it is single storey only. They are designed with a mono-pitch roof and so they present a high wall onto the shared boundary with the neighbouring property, even when only single storey. The development has added further to the length of built form presenting onto the shared boundary with No 20 Ashwood Road, which sits at a slightly lower ground level.

5. The main rear elevation of No 20 includes a dining room and bedroom window, whilst the rear projection at No 20, includes side and rear facing kitchen windows and an obscure glazed window at first floor level.
6. The outlook from, and the level of light available to, windows within the rear elevation of No 20 are already impacted to a significant level by the massing of the first rear projection at the appeal property, as well as by the corresponding rear projection at No 20 itself. In combination, these elements create a tunnelling effect due to their proximity, depth, and height.
7. Whilst the development would add to the massing on the shared boundary, the increased height of the outbuilding and the side wall of the conservatory would be set beyond the first projection and they would comprise a relatively small proportion of the overall built form visible over the boundary fence, when compared to the size of the first projection. As such, the development does not add significantly to the restricted outlook from these windows, or to the degree of overshadowing, resulting from the presence of the initial projections to either side.
8. The side window serving the kitchen of No 20 faces directly onto the first projection at the host property. The outlook from this window and level of light available would be largely unchanged by the development. The rear kitchen window of no. 20 is set in from the shared boundary. Whilst the extended outbuilding and conservatory would be visible from this window, this would be at an angle, and it would take up only a portion of the view. As such, the impact on the outlook from this window would not be harmful. As the development is single storey only and positioned to the north, neither would there be a harmful loss of light to this kitchen window.
9. There is a reasonable sized garden to the rear of No 20. The enclosure of the area immediately to the rear of the house by the projections serving the host property and No 20 itself, has meant that the more useable area of the garden at No 20 lies beyond their own rear projection. Having visited the garden of No 20, the additional built form of the development on the boundary was not oppressive, being single storey only and for only a limited section of the boundary's overall length. Even noting the presence of some larger industrial type buildings beyond the rear boundary of this terrace, the outlook from the rear garden of No 20 remained relatively open and pleasant.
10. I have noted the specific guidance within the Councils Householder Design Guide Supplementary Planning Document, Adopted June 2020, (SPD) for developments of this type. However, in the circumstances of this particular case, the development would allow sufficient sunlight and daylight to penetrate into adjacent properties as it would not give rise to a significant increase in overshadowing, over and above that already experienced by the occupiers of No 20. Nor does it significantly change the outlook of occupiers of No 20 in a detrimental way, given the influence of the initial rear projections. As such, the development responds appropriately to the sensitivity of this neighbouring land use.
11. Accordingly, the development does not result in harm to the living conditions of occupiers of No 20 Ashwood Road. It therefore complies with Policy SP55 of the Rotherham Local Plan, Sites and Policies, Adopted June 2018 and guidance contained within the SPD. Nor do I find any conflict with the National Planning

Policy Framework, which seeks a high standard of amenity for existing and future users.

Conclusion

12. For the reasons outlined above, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed.

S Brook

INSPECTOR