



Appeal Decision

Site visit made on 19 July 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 3 August 2022

Appeal Ref: APP/P4415/W/22/3293673

Phoenix Court, 67 Blyth Road, Maltby, Rotherham S66 7LF

- 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 Pheonix Court Property Management Limited against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2021/1746, dated 25 August 2021, was refused by notice dated 10 December 2021.
 - The development proposed is described as 'Extend part of the existing building upwards by 2.7m to accommodate a further 4 x two bedroom apartments'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Pheonix Court Property Management Limited against Rotherham Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the building and the surrounding area; and on the living conditions of the residents of 67a The Coach House, Blyth Road, with particular reference to light and outlook.

Reasons

Character and Appearance

4. The appeal relates to a large detached hipped roof Victorian building that has previously been extended and converted into apartments. It sits within generous grounds and is located in a predominantly residential area comprising buildings of various size, scale and style.
5. The stage of preparation and the status of the emerging Maltby Neighbourhood Plan are noted. However, the Council has accepted that the appeal building is not currently locally listed or located within a conservation area or near to other listed buildings, and I have no reason to question this.
6. Nonetheless, my site observations confirmed that the appeal property is of some architectural merit. Although it has been extended and has varying eaves and ridge heights to the rear, it is of a natural stone construction, and has retained its plain and well-proportioned frontage. Indeed, the continued eaves

level and hipped roof form and ridge height along its frontage, in addition to the horizontal stone banding and relatively narrow framed vertically and horizontally aligning windows contribute to its simple attractive façade.

7. I have been made aware that the hipped roof of the main building pitches back to the middle. Nevertheless, the raised height, uncharacteristic steep pitch and bulky form of the mansard roof, in combination with the additional amount of stone cladding required to extend up to the elevated eaves line would have an unsympathetic and awkward relationship with the appeal building. It would sharply step up and jar against the predominance of the remaining untouched hipped roof planes on its frontage.
8. Unlike the taller form of the ground and first floor windows, the frames of the windows within the proposed second floor front elevation would also be shorter and more compressed. The openings within the other elevations of the proposal also vary in shape and size and have no regard to the proportions and design of the existing openings.
9. In addition, the use of zinc style cladding as the main finishing roof material would be at odds with the original building's materials, thereby drawing the eye, and further accentuating its visual prominence. As a result, the factors above would combine to create a bulky, overly dominant, disjointed and conspicuous form of development that would fail to integrate satisfactorily with the existing property.
10. The appellant has expressed a willingness to accept a planning condition for the submission and approval of other more suitable materials. References to English Heritage's approach to extending upwards and the need for the maintenance of the roof and some external features are also noted. However, these factors would not outweigh or overcome all of the harm that I have identified above.
11. I therefore find that the proposed development would have a harmful effect on the character and appearance of the building and the surrounding area. As such it would conflict with Policy SP55 of the Rotherham Local Plan 2018 (Local Plan) and Policy CS28 of the Rotherham Local Plan Core Strategy 2013-2028 (2014) (Core Strategy). These require, amongst other things, for development proposals to be high quality, responsive to their context and be visually attractive as a result of good architecture and design.
12. In reaching my findings on this main issue I am also mindful that Paragraph 120 of the National Planning Policy Framework (the Framework) supports opportunities to use the airspace above existing residential and commercial premises for new homes. However, this support is subject to other criteria being satisfied. These include the development being well designed. For the reasons provided above I have not found this to be the case.

Living Conditions

13. Given the relatively flat form of the proposed mansard roof, the existing degree of separation between the properties, and the current levels of outlook from No 67a's nearest front windows I do not consider that the extent of the additional built development would appear overbearing. I am also aware of the orientation of the appeal site in relation to the direction of the sun. However, I am satisfied that for the reasons provided above the proposal would not result

in a substantial increase in the amount of overshadowing to the front windows of No 67a.

14. As such I do not consider that in this instance, the extent of the additional built development would have a materially harmful effect on the living conditions of the residents of 67a, The Coach House, Blyth Road, with particular regard to light and outlook. No conflict would therefore arise with Local Plan Policy SP55 in this regard, which seeks to provide high quality design that preserves the living conditions of existing and future occupiers.
15. The proposal would also comply with the South Yorkshire Residential Design Guide (2011), as it would not cause undue harm to neighbouring amenity. For similar reasons it would accord with guidance in the Framework which seeks a high standard of amenity for existing and future users.

Other Matters

16. I accept that permitted development rights allow the principle of upward extensions. However, individual proposals have to satisfy a number of prior approval requirements set in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), including in relation to external appearance. Given that the existing building is not a purpose-built block of flats and that I have found the proposal to be harmful in respect of character and appearance, I attach limited weight to this consideration.
17. It has been put to me that the bin storage and off street car parking provision have been designed into the scheme, that access from the main building complies with building regulations, and that no objections were received from the Council's highway officer. The main parties also do not dispute that the proposal complies with the Nationally Described Space Standards or that the amenity levels, including during construction, of other local residents could be preserved. However, the absence of harm in these respects would be neutral factors that would not weigh in favour of the proposal. The lack of objections from local residents is also not a determining factor in the consideration of an appeal.
18. I am mindful that paragraph 69 of the Framework advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. This also supports the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes. Nonetheless, given that the proposal is for only 4 flats any benefits in these respects would be contextually somewhat limited.
19. I also note the appellant's dissatisfaction with the Council's communication during the processing of the planning application and I am aware that they entered into pre-application discussions with the Council prior to its submission. However, these matters have not had any bearing on my decision as I have only had regard to the planning merits of the proposal that is before me.

Conclusion

20. I have found that the proposal would not have an unacceptably harmful effect in respect of the living conditions of the residents of No 67a, with particular

reference to light and outlook, and that the proposal would bring benefits of limited weight. However, these considerations would not be sufficient enough to outweigh the harm that I have identified in regard to the character and appearance of the building and the surrounding area.

21. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR