



Appeal Decision

Site visit made on 15 August 2022

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2022.

Appeal Ref: APP/P4415/D/22/3301458

59, Broom Road, Broom, Rotherham S60 2SW

- 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 and Mrs Rahim against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref: RB2021/0797, dated 20 April 2021, was refused by notice dated 21 April 2022.
 - The development proposed is single and double storey rear extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have determined this appeal based upon the Council's description of development as erection of two-storey and single storey rear extension and rear dormer addition to roof because it is a more accurate specification for the proposal.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the living conditions of neighbours at No.57 Broom Road in respect of received daylight, outlook and general amenities.

Reasons

4. No.59 Broom Road is a detached dwelling which occupies a former school site within an established residential area. It is located within a row of semi-detached dwellings which generally have long narrow rear gardens. The dwelling has a small single storey brick storage building at its rear elevation next the boundary with No.57 Broom Road and a rear conservatory next to the boundary with No.61 Broom Road. The houses at this side of Broom Road step down in level, resulting in No.57 being at a lower foundation level compared with that of the appeal building. The appellant refers to the proposal being consistent with the general grain of development, with other properties having two storey rear extensions. However, these extensions would either have been original or added well before the Council's currently adopted planning policies and guidance.
5. The Council considers that the proposed extensions are acceptable in design terms and comply with relevant planning policies and guidance in that respect.

6. The Council's reasons for refusal include the failure of the two-storey extension to meet the 25-degree vertical clearance of a ground floor habitable room window and glazed door at No.57 Broom Road which would face the extension. This contravenes guidance in the Council's Householder Design Guide supplementary planning document which indicates that two storey extensions should not come within 12 m of a ground floor window of a habitable room window of a neighbouring property and have a minimum 25-degree vertical clearance.
7. The appellant has commissioned an external daylight and sunlight study which identifies the glazed door at No.57 Broom Road as 'D10' and the ground floor window, mentioned above, as 'W5'. The study concluded that, having regard to Building Research Establishment Guidelines, window W5 and the top part of door D10 may experience a minor impact from the proposal in terms of daylight loss. Window W5 would meet the minimum BRE requirements for Annual Probable Sunlight Hours. In view of the results of the study I find that the proposal would have no significant harmful effect on the receipt of natural daylight or sunlight for the ground floor habitable room window and glazed door at No.57.
8. I now turn to the effect on the outlook and general amenities of No.57. The outlook from window W5 and glazed door D10 is already restricted by the rear single storey storage building at No.59, by a high evergreen boundary hedge along the boundary between the rear gardens of the two houses and some timber screen fencing. The proposed second storey of the proposed extension would be set in from the edge of the rear elevation of the appeal building at either side. The Council advises that the distance between the side of the extension and door D10 and window W5 would be approximately 6.9 m. This would not meet the 12 m separation distance in the Council's design guidance. Although the form of the rear extension would be similar to others in the row of houses at this point, and taking into account the difference in ground levels, I consider that its size and proximity to the boundary with No.57 would make it overbearing and would create an undue increased sense of enclosure for the occupiers of that property.
9. I conclude that the proposal would have a significant harmful effect on the living conditions of neighbours at No.57 Broom Road in respect of outlook and its effect on their general amenities. It would therefore conflict with Rotherham Local Plan saved policy SP55: Design Principles, which, amongst other things, seeks to ensure that development creates decent living environments. It would also fail to meet the objective in the National Planning Policy Framework of securing a high standard of amenity.

Other Matters

10. Issues raised by neighbours include the replacement of a portacabin by a larger building and use of the premises for business purposes. However, these are matters for the Council to determine and not part of the proposals subject to this appeal.
11. Objections were also raised in relation to the use of Arundel Road for access to parking and the potential impact of construction traffic. The Planning Officer's report advised that three car parking spaces can be demonstrated and the property has the right to use the private drive at the rear for access. However,

the proposed plans do not show any parking spaces within the appellants' ownership. The Council has advised me that the Highway Authority had requested a plan showing the three parking spaces, but the Council had no record of a plan being received and no plan has been supplied by the appellant as part of this appeal.

Conclusion

12. I have taken all other matters raised into account. For the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR