



Appeal Decision

Site visit made on 28 February 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2023

Appeal Ref: APP/P4415/W/22/3310139

2 Goose Lane, Wickersley, Rotherham S66 1JN

- 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 Habbin Ltd against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2022/0401, dated 1 March 2022, was refused by notice dated 12 August 2022.
 - The development proposed was originally described as demolition of 2no. bungalows and erection of 8no. 2 bed flats in 2no blocks.
-

Decision

1. The appeal is allowed, and planning permission is granted for demolition of 2 No. bungalows and erection of 8 No. flats at 2 Goose Lane, Wickersley, Rotherham S66 1JN in accordance with the terms of the application, Ref RB2022/0401, dated 1 March 2022, subject to the conditions set out in the schedule below.

Applications for costs

2. An application for costs was made by Habbin Ltd against Rotherham Metropolitan Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The scheme was amended during the planning application process to comprise 8 flats in one block. As such, in my decision above, I have used the description of development from the Council's decision notice as this more adequately describes the development.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site accommodates two bungalows and is located on the corner of Goose Lane and Bawtry Road. It is within a predominately residential area but with a car showroom and Wickersley School and Sports College nearby on Bawtry Road. Adjacent to the site on Goose Lane are two large detached dwellings, which are part of an infill development of modern two storey properties that continues down Farrington Court, to the rear of the appeal site. There are two bungalows adjacent to the site on Bawtry Road before a large

modern two storey detached property. While Goose Lane is characterised by largely uniform dwellings of traditional design, the part immediately adjacent to the appeal site, closer to the junction with Bawtry Road has a mixed appearance, with properties of varying sizes and appearance. The area next to the appeal site on Bawtry Road is also characterised by its varied appearance.

6. The proposed development would result in the replacement of the existing bungalows with a two-storey block of flats wrapping around the corner plot, with access from Goose Lane. It would be of a similar height to the neighbouring dwellings on Goose Lane, the properties on the opposite side of Goose Lane and the properties to the rear of the appeal site on Farrington Court. While the two-storey development would be adjacent to a single storey bungalow on Bawtry Lane, given the mix of property types in both street scenes, the proposal would respect this variation and create visual interest. In doing so, the proposal would respond positively to the prevailing character and appearance of the area and would not be dominant or incongruous.
7. The appeal site is on a prominent corner plot. The Wickersley Design Code (2022) (WDC) supports the Wickersley Neighbourhood Plan 2021 - 2028 (2022) (WNP) and is referenced in Policy GP1 in relation to securing high quality design. It is not disputed that the most relevant character area from the WDC is Character Area 6 which is characterised by a mixture of property types with material and architectural styles varying throughout. The WDC continues that the variety of building types results in the area lacking a distinctive and coherent set of key dimensions. Also of relevance to the appeal site is guidance in the WDC which sets out that key corners and junctions should be marked by 'gateway units' that are different in scale and materiality to those forming the main streets. Houses on these corners should be designed in such a way that both aspects facing the street provide visual interest and window openings.
8. In wrapping around the corner plot the proposal would have a different built form to the neighbouring properties and it would introduce a different but complementary palette of materials, including red brick and stonework, which would ensure the scheme integrates with its local context. It would be forward of the main elevations of neighbouring properties on Goose Lane and Bawtry Road. Nevertheless, the scheme would still be set back from the road, would retain the traditional stone wall, and taking account of its corner location would create a 'gateway unit'. In doing so it would emphasise the site's key location at a junction and contribute to a legible hierarchy of buildings and spaces in the locality.
9. It has been suggested that the appeal scheme would represent overdevelopment of the site, however, owing to the large plot size the spacing and layout of the proposal is acceptable. The proposal would result in a clear sense of integration in the immediate street scene and wider area and would not be incongruous or visually intrusive. The proposal would also be punctuated by windows at regular intervals, providing visual interest and an active and animated elevation, in line with the guidance within the WDC.
10. The Council suggest that the guidance for corner plots in the WDC is not relevant to the appeal scheme, which should instead take account of the existing building lines and the built form in the area, and the massing of one of the neighbouring properties which is single storey. However, I have no clear reason not to take this aspect of the WDC into account, alongside the other

relevant aspects of the WDC. In doing so, and as set out above, I have found the appeal scheme to respond positively to the local character.

11. Interested parties have referenced a previous appeal decision at the corner opposite the appeal site and seek to draw comparisons. However, that proposal was for a garage and on the opposite side of Goose Lane which is characterised by largely uniform dwellings of traditional design. As such the context and overall relationship with the street scene differs and the schemes are not directly comparable. In any event, I must consider the appeal scheme on its own merits.
12. Overall, the proposal would not harm the character and appearance of the area and would accord with Policy CS28 of the Rotherham Local Plan Core Strategy 2013 – 2028 (2014), Policy SP55 of the Rotherham Local Plan Sites and Policies (2018) and Policy GP1 of the WNP. These policies, amongst other things, require development to respect and enhance the distinctive features of Rotherham and should develop a strong sense of place with a high quality of public realm. They also require development to be high quality and responsive to the distinctive character of Wickersley, positively contributing to the local character.

Other Matters

13. A large number of objections have been raised from interested parties. In particular, I note the concerns regarding highway safety which I have carefully considered. Residents have brought to my attention that at the beginning and end of the school day the local road network is congested and there is on street parking which results in safety issues for road users and pedestrians, including the school children. I have also been provided with information relating to recent accidents at the junction of Goose Lane and Bawtry Road. I have no reason to doubt local resident's comments on these matters.
14. Nonetheless, the National Planning Policy Framework (the Framework) in paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Based on the evidence before me and on my observations, the appeal scheme would not add to the existing congestion at school drop off and pick up times, to the extent that it would adversely affect highway safety or have a severe impact on the highway network.
15. The appeal scheme would achieve acceptable visibility splays at the proposed access off Goose Lane for traffic generated by a scheme of this scale. It would have a total of 12 on-site car parking spaces which is adequate, meeting the Council's car parking standards. There is no substantive evidence to suggest the proposal would result in an increase in on-street parking of such a scale that it would be harmful to highway safety. Similarly, it is unlikely that the traffic movements associated with the proposal would result in a significant increase in air pollution levels. Moreover, electric vehicle charging points are to be provided at the site which would promote low carbon transport.
16. On my site visit I stood in the garden area to 1 Farrington Court and went inside the property, and I have given careful consideration to comments from all neighbouring occupiers with regard to the effect of the proposal on their living conditions. This includes concerns on privacy, noise, outlook, light

pollution, quality of life and health and wellbeing for older occupiers in the area. Given the orientation of the building, separation distances to existing properties, window positions and proposed landscaping and boundary treatments, no unacceptable harm would result.

17. Also, the proposal comfortably meets the Council's required separation standards for residential development, and despite a change from two bungalows to 8 flats it would remain in residential use. Hence there is no clear reason why noise levels would be so significant that they would be detrimental to the living conditions of neighbouring occupiers, or require an acoustic fence as suggested by interested parties. Moreover, in the interests of protecting the living conditions of neighbouring occupiers I have imposed a number of conditions in relation to external lighting, landscaping, the construction phase of the development and boundary treatments, including along the southern and western boundaries.
18. I have been presented with no firm evidence to demonstrate that there is demand in the locality for bungalows, housing for older occupiers or for family homes, or that flats are better suited to town centre locations. Nor is there any clear evidence that the occupiers of flats are likely to be younger and lead to increased noise through parties, that there would be increased crime and antisocial behaviour through the flats being used for 'Air BnB' rental accommodation, or that the provision of bin stores and cycle parking would encourage people to gather outside. Similarly, there is no clear evidence to demonstrate that a scheme of this scale would lead to unacceptable pressures on local services, including schools and doctors. As such, these matters have limited weight in the determination of the appeal.
19. A condition is imposed to ensure surface water is disposed of appropriately. While the appeal scheme would result in the loss of two residential gardens, the proposed landscape masterplan and planting schedule, alongside the installation of bird boxes would enhance the site's biodiversity value.
20. It has been suggested that once built, additional storeys could be added to the development without the need for planning permission through permitted development rights. However, given that the appeal scheme is only two storeys in height, this element of permitted development rights would not be applicable at this site.
21. A number of interested parties raised concerns regarding the proposal devaluing properties in the area, and that only the Council, through increased council tax, and the developer will benefit from the scheme. These are largely private matters however, and along with a number of residents expressing frustrations with the Council's handling of the case, have not affected my consideration of the planning merits of the scheme.

Conditions

22. The conditions requested by the Council have been considered and amended as necessary to ensure compliance with the National Planning Practice Guidance and the Framework. In addition to the standard condition that limits the commencement of the planning permission it is necessary to impose a condition identifying the approved plans for clarity.

23. A condition is necessary to secure proper drainage and is required before the commencement of development to ensure a suitable scheme can be achieved. I note that a Construction Management Plan (CMP) was submitted with the planning application, however this makes reference to the original description of development which has since been amended. As such, for clarity I impose a condition for the submission and approval of a CMP, in the interest of protecting the living conditions of neighbouring occupiers, and before the commencement of development as the details relate to the construction phase.
24. In the interest of protecting the character and appearance of the area and living conditions of neighbouring occupiers conditions are necessary with regard to materials and boundary treatments, including the retention of the stone wall. A landscaping condition is also imposed which includes measures to secure the long-term maintenance of existing and newly-planted trees, hedges and shrubs. To ensure the protection of retained trees and hedges and in the interest of the character and appearance of the area a condition is imposed in relation to securing the submission of an arboricultural method statement. This is required before the commencement of development to ensure damage is not caused to the trees and hedges during the early stages of work.
25. A condition is also imposed in relation to noise and ventilation in the interest of protecting the living conditions of the occupiers of the development. To protect the living conditions of neighbouring occupiers and occupiers of the development conditions are imposed regarding lighting and remediation of contamination if found.
26. In the interest of highway safety and promoting low carbon transport conditions are necessary relating to closing the existing access to 304 Bawtry Road and requiring all areas to be used by vehicles to be laid out, including car parking, cycle parking and the provision of electric charging points. However, I have removed reference to surface water as this has been covered by the drainage condition.
27. To secure the implementation of biodiversity enhancement measures a condition is imposed in relation to the provision of bird boxes. I also impose a condition to secure the installation of solar photovoltaic panels in the interest of sustainable design and reducing carbon.

Conclusion

28. For the reasons given above, I conclude that the proposal accords with the development plan read as a whole. Material considerations have not been shown to carry sufficient weight as to indicate a decision otherwise than in accordance with it. Therefore, the appeal is allowed.

F Harrison

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:1250); Existing Site (BR19/1/Jan 22); Proposed Site Layout (BR19/2/May22), Proposed Layout and Elevations (BR17/5/May22) and Landscape Masterplan (1384-001 Rev B Feb 22).
- 3) No development shall commence until a drainage scheme for the discharge of surface water, including measures to ensure that surface water does not discharge or transfer on the highway, has been submitted to and approved in writing by the local planning authority. No part of the development hereby permitted shall be occupied until the drainage works have been completed in accordance with the approved scheme. The scheme shall also include a drainage management and maintenance plan and the development shall be maintained and managed in accordance with the approved details thereafter.
- 4) No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include details of measures to:
 - minimise the effect of noise and vibration, including restrictions on hours of construction activity and delivery of plant and materials;
 - control the emission of dust and dirt during construction including those generated by vehicles; and
 - minimise the use of any artificial lighting in connection with all construction related activities and security of the construction site.

The approved CMP shall be adhered to throughout the construction period.

- 5) No development shall commence, including site clearance works, until an arboricultural method statement has been submitted to and approved in writing by the local planning authority. This shall show how all vegetation shown to be retained on the approved Landscape Masterplan (1384-001 Rev B Feb 22) will be fully safeguarded in accordance with the provisions of British Standard 5837: 2012 'Trees in relation to design, demolition and construction. Recommendations' (or equivalent if replaced). Site clearance works and development shall be carried out in strict accordance with the approved method statement.
- 6) No above ground construction shall commence until details and samples of the materials to be used in the construction of all external surfaces, including the bin store, have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and samples and thereafter maintained as such.
- 7) No above ground construction shall commence until details of the position, design, materials and type of boundary treatment to be erected along the western and southern boundaries has been submitted to and approved in writing by the local planning authority. The boundary treatments shall be completed before the development is brought into use and thereafter

maintained as such. The gaps in the existing stone boundary wall fronting Bawtry Road and Goose Lane shall be filled in with stone to match the existing wall before the development is brought into use. The entire stone boundary wall shall thereafter be maintained as such.

- 8) No above ground construction shall commence until details have been submitted to and approved in writing by the local planning authority of how the existing vehicle access serving 304 Bawtry Road will be permanently closed and the footway reinstated. The approved details shall be implemented prior to the occupation of the development hereby permitted and thereafter be retained as such.
- 9) No above ground construction shall commence until a noise impact assessment has been submitted to and approved in writing by the local planning authority, which shall include details of any measures necessary to protect the amenity of the occupants of the development hereby permitted. If the noise attenuation measures include windows being kept closed, details shall be provided of an alternative ventilation scheme to demonstrate how thermal comfort and noise levels will be controlled. The approved noise and ventilation details shall be implemented prior to the occupation of the development hereby permitted and retained as such thereafter.
- 10) No above ground development shall take place until details have been submitted to and approved in writing by the local planning authority of the location and type of solar photovoltaic panels to be installed on the roof. The approved details shall be implemented prior to the occupation of the development hereby permitted and retained as such thereafter.
- 11) Prior to the occupation of the development hereby permitted, all areas shown on drawing no. BR19/2/May22 to be used by vehicles shall be fully laid out, and details of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The car parking area and cycle parking facilities shown on drawing no. BR19/2/May22, and the approved electric vehicle charging points shall be implemented and made available for use prior to the occupation of the development hereby permitted. The arrangements shall be retained as such thereafter.
- 12) Prior to the occupation of the development hereby permitted, details of any external lighting scheme shall be submitted to and approved in writing by the local planning authority, which shall be implemented and retained as such thereafter. No additional external lighting shall be installed without the prior written consent of the local planning authority.
- 13) Prior to the occupation of the development hereby permitted, the approved Landscape Masterplan (1384-001 Rev B Feb 22) shall be implemented. The soft landscaping works shall be carried out in accordance with the approved Planting Schedules (1384-002 Rev B Feb 22) and in the first available planting season following the first occupation of the development hereby permitted. Any trees/hedge/shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees/hedges/shrubs of similar size and species to those originally required to be planted.

- 14) Prior to the occupation of the development hereby permitted, details of the number, style and location of bird boxes to be provided at the site shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the relevant part of the development being occupied and maintained and retained as such thereafter.
- 15) Any contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until the developer has submitted and obtained written approval from the local planning authority for a remediation strategy detailing how this contamination shall be dealt with. The remediation strategy shall be carried out as approved before the development is resumed or continued.

*****End of Conditions*****