



Appeal Decision

Site visit made on 19 April 2023

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023.

Appeal Ref: APP/P4415/D/23/3315724

14 School Hill, Whiston, Rotherham, S60 4JB

- 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 Mrs Anne Elizabeth Oliver against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2022/1016, dated 12 July 2022, was refused by notice dated 9 December 2022.
 - The development proposed is create opening in existing wall to create 1 no. off-street parking space, including the installation of electric vehicle charging point.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of an opening in existing wall to create 1 no. off-street parking space, including the installation of electric vehicle charging point at 14 School Hill, Whiston, Rotherham, S60 4JB in accordance with the terms of the application Ref RB2022/1016, dated 12 July 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing Number HA-22-12 03
 - 3) Any materials required for works after the removal of the wall shall match those used on the existing building.

Main Issues

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Whiston Conservation Area (CA); and the effect on the setting of the Grade II* Listed Church of St Mary Magdalene.

Reasons

3. The appeal property is a semi-detached dwelling, which is situated within the CA and on one of the approaches to the Church of St Mary Magdalene. The CA covers a relatively wide geographical area, but one of the predominant characteristics of the CA in the vicinity of the appeal site, is stone walls of varying heights and lengths that enclose dwellings and their gardens. These walls are a significant and important feature of the CA. Having said that, I noted at my site visit that gaps have been created in some of the walls to provide off-street parking and vehicle manoeuvring spaces. Some of these are

open. Whilst others are gated. These features are established and they also form part of the character and appearance of the CA.

4. The proposal is to remove an existing boundary wall at the front of the property to enable the appellant to park a vehicle off the highway. The removal of a 4.2m section of wall is proposed. I consider that the provision of an off-street space would be beneficial to the appellant given the difficulty in parking and manoeuvring on this part of School Hill.
5. The Council contends that the loss of the wall would harm the character and appearance of the CA and that it would be detrimental to the setting of the Church of St Mary Magdalene. Its decision notice refers to conflict with Policies CS23, CS28, SP40, SP41, SP46 and SP55 of the Rotherham Local Plan Core Strategy 2013-2028. These policies seek to ensure (amongst other things) that the historic environment and conservation areas are conserved and enhanced; distinctive features are respected and enhanced; and development that would have an adverse effect on the setting of listed buildings are not permitted. I consider the policies to be consistent with Chapter 16 of The National Planning Policy Framework 2021 (The Framework).
6. Regarding the CA, I acknowledge that the section of wall that would be demolished is in a prominent position, as it can be seen from School Hill when approaching the site. It is also visible from the public footpath steps, which are close to the site. However, given the existing gaps that have been created to serve other properties on School Hill, I am not persuaded that the removal of a relatively small length of wall would be at odds with its surroundings or harmful to the streetscene. Therefore, I concluded that the proposal would preserve the character and appearance of the CA.
7. Turning to the setting of the Church of St Mary Magdalene, Annex 2 of The Framework states that the setting of a heritage asset is the surroundings in which the asset is experienced. The Church sits at a high point at the top of School Hill and it can be approached from different directions, including the approach which passes the appeal property.
8. The Church is clearly the main focal point within the CA and the approach from School Hill is relatively narrow and enclosed, which then opens out at the top of the hill to reveal the church and its burial grounds. Whilst the stone walls contribute to this narrow and enclosed approach, I am not persuaded that the appeal proposal would detract from the setting of the heritage asset, given that the section of wall to be removed is relatively small and other wider gaps on the approach to the church already exist.

Conditions

9. The Council has suggested conditions in the event of the appeal being allowed. I have imposed the two standard conditions relating to the time period for commencing the development and listing the approved plans. In addition, some minor restoration works may be required after the wall has been removed. To ensure a satisfactory appearance, I have imposed a condition requiring that these be carried out using materials that match the existing building.

Conclusion

10. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR