



Appeal Decision

Site visit made on 13 July 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2023

Appeal Ref: APP/P4415/D/23/3320255

45 Bawtry Road, Wickersley, Rotherham, S66 2AR

- 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 Irfan Raza against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2023/0133 dated 31 January 2023, was refused by notice dated 20 March 2023.
 - The development proposed is construction of carport to front & alterations to boundary wall (retrospective) with proposed brick/stone tinting to boundary wall.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact of the proposal upon the visual amenity of the street scene.

Reasons

3. The appeal site is a detached dormer bungalow located in a residential area which stands on a main road. The proposal seeks retrospective permission for construction of a car port to the front of the property as well as alterations to the boundary wall with proposed brick/stone tinting. I note that the appellant's statement states that the carport is not visible from the public realm and, as such, the refusal reason should not have been applied to the carport. The carport is part of the proposals and is reliant upon the extended wall to obscure it from views. I find that without the wall, the carport would be fully visible from the public realm, and it is therefore justified to include it within the refusal reason. The elements are intrinsically linked with each other.
4. The proposal results in the front stone wall having been raised by approximately 1.8 metres which means that the maximum overall height of the extended wall is in the region of 3.4 metres. At the time of my site visit I noted that walls within the immediate vicinity, either side of the appeal site, are modest and consistent in height. Some of the walls have low level fencing panels on top and/or hedges and vegetation but the walls are consistent in height either side of the appeal site. This is important as part of both the character and the appearance of the area and street scene.
5. As a result of the increased height of the wall, stood in front of the appeal site, the sudden increase in height provides a strong contrast to the neighbouring walls. This, combined with the two steps down to the existing stone wall

overall, contributes to an awkward addition at great height which I find stands out in contrast to the walls which would be visible in the vicinity within the street scene. The proposal does include a tint aspect, which I acknowledge would improve the appearance of the wall itself, however, it would not contribute sufficiently in order to overcome the incongruous and alien addition of a wall of such increased height in this location.

6. The proposed car port is reliant upon the increased height of the wall to obscure the structure, and, without the wall, the car port would be visually prominent to the front of the property and would be harmful to the visual amenity of the street scene and the host dwelling as a result of an incongruous feature the front garden. The height of the wall, at approximately 3.4 metres, is visually oppressive and particularly overbearing from the highway/pavement when stood outside the appeal site. It is particularly notable at essentially double the height of standard cars passing on the road.
7. Overall, I find that the increased height of the wall, and the proposed carport, would appear incongruous in appearance within the street scene due to the contrast with the height of the walling on either side of the appeal site, rather than representing a long, continuous, stretch of walling as is the case further up the street scene and within other cases noted by the appellant. The walling in this case is, intrinsically linked to a requirement to screen the proposed car port to the front of the property which, without the wall, would present an obtrusive in the location to the front of the appeal site. I do not find that a condition requiring changes to the wall by use of brick tinting and/or matching materials would overcome the harm that has been found as a result of the built form and overall increase in height.
8. The appellant's statement references an approval, for a wall, under reference RB2015/1098. The proposed site layout plan has been submitted with this appeal; however, plans show that the stone wall has been approved to a height of 1.8 metres. By comparison, the appeal proposal before me seeks to add 1.8 metres onto the existing original stone wall resulting in an overall wall which is somewhat higher than that referred to on the opposite side of the road. I do not, therefore, find the proposals to have similarities which would support the proposal before me notwithstanding the fact each case should be considered on its own merits. Furthermore, the wall on the opposite side of the road does not add a stark and awkward contrast on the top of an existing wall within the middle of a street scene where the walls either side are of consistent heights.
9. There are three photographs contained under heading 4 of the appellant's statement. Two of these appear to be photographs of the same wall approved under reference RB2015/1091 taken from differing angles. The third photograph is further up the road opposite Sledgate Lane. I acknowledge that the wall increases, gradually, in height to the east of the site but it is evident that the wall is consistent in overall height and does not result in an angular addition to an existing wall in stark contrast to the walling in the vicinity, and either side, of the appeal site. The road upon which the appeal site is located is acknowledged to be a wide road, however, at the time of my site visit, I parked on Moorlands and walked round to the appeal site where my attention was immediately visually drawn to the wall as a result of its stark contrast to its immediate surroundings.

10. The proposal would be contrary to Rotherham Local Plan Core Strategy 2014 Policy CS28, which requires that development proposals should be responsive to their context and be visually attractive as a result of good architecture and Rotherham Local Plan Sites and Policies 2018 Policy SP55 which requires that all forms of development are required to be of high quality and respond positively to the local character and distinctiveness of an area. This policy also requires regard to be had for the setting of the site, including the size, scale, mass, volume, height, orientation, form and grain of surrounding development.
11. The proposal would also be contrary to the Householder Design Guide Supplementary Planning Document 2020, which confirms that high front boundary walls can create a poor street scene and can be visually oppressive, particularly in areas where front gardens are generally open or formed of low boundaries and paragraph 130 a) of the National Planning Policy Framework 2021 which requires that developments add to the overall quality of the area and b) are visually attractive as a result of good architecture and c) are sympathetic to local character and history, including the surrounding built environment.

Other Matters

12. I note that the Council's delegated report states that it is considered that the proposed development would contribute to a loss of privacy and create an overbearing effect which would negatively affect the residential amenity of the adjacent occupiers. Despite this, there is limited evidence of assessment from the Council to support this assertion and, furthermore, the impact on adjacent occupiers has not been carried forward as a reason for refusal within the appeal before me.
13. I note an objection from Wickersley Parish Council; however, I have dealt with the matters raised within their comments within the main body of this decision letter. Matters relating to the safety of any structures are outside the scope of this appeal, as they are not relevant to planning.

Conclusion

14. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR