



Appeal Decision

Site visit made on 19 December 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2024

Appeal Ref: APP/P4415/W/23/3324266

Land adjacent 55 Packman Road, West Melton, Rotherham S63 6AQ

- 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 Lee Forster of BO Homes (Yorkshire) Ltd against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2023/0208, dated 13 February 2023, was refused by notice dated 7 June 2023.
 - The development proposed is erection of a detached bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers where necessary in this appeal.

Main Issue

3. The main issue is whether the site is a suitable location for development with regard to its position in relation to a pylon and overhead power lines.

Reasons

4. Within the appeal site sits a deviation pylon with overhead cables changing direction above the site. It is not in dispute that this pylon is a prominent feature. The proposed dwelling would be a modest bungalow. It would not provide any meaningful softening of the visual impact of the pylon given their respective scales and height.
5. The pylon has an uncompromising industrial appearance and would be sited only 5m from the proposed dwelling. The proposed site layout would provide private amenity space at the opposite side of the dwelling to the pylon which would be sufficient for future occupiers of the property. While use of the area of the site which contains the pylon may be at the discretion of future occupiers, it would nonetheless be an unattractive and intrusive feature, readily visible to occupiers of the proposed dwelling when entering it and using the private amenity spaces.

6. Two of the bedrooms in the proposed dwelling would have windows which would look directly towards the base of the pylon. While its full scale would not be readily apparent in such close proximity, and these are not main living spaces in the dwelling, the outlook from these rooms would nonetheless be compromised. While the site does enjoy views out towards the countryside, this would not overcome the adverse effects that would arise from the proposed dwelling being sited immediately adjacent to the pylon.
7. It is not in dispute that there are other locations where there are pylons in close proximity to, and cables running directly above, dwellings. However, as acknowledged in 'A sense of place: design guidelines near high voltage overhead lines' published by National Grid, historically little attention was paid to the relationship of development to electricity equipment. The examples provided by the appellant illustrate such relationships. In light of the policies of the development plan and the emphasis in the Framework on the importance of well-designed and beautiful places, the other examples would not provide a compelling reason to allow the proposed development.
8. There is only limited information before me as to how it would be demonstrated that the position of the dwelling would be acceptable with respect to the clearances required to the overhead lines and the effect on the foundations of the pylon. I cannot be certain that the submitted information provides sufficient certainty that the proposed development would be safe and would not have an adverse effect on the operation of the electricity distribution network. Addressing these matters by condition would not meet the tests set out in paragraph 56 of the Framework, as the proposed development could be rendered undeliverable, therefore such a condition would not be reasonable. In any event, this would not be determinative, as even if these concerns were satisfactorily addressed, the other harms I have identified would not be overcome.
9. The site therefore would not be a suitable location for development with regard to its position in relation to a pylon and overhead power lines. It would be contrary to Rotherham Local Plan Core Strategy 2013-2028 (2014) Policy CS 28 and Rotherham Local Plan Sites and Policies (2018) Policy SP 55 which, taken together and insofar as they relate to this appeal, require development to be of a high quality and create decent living environments. It would also be contrary to Section 12 of the Framework which confirms that the creation of high quality places is fundamental to what the planning process should achieve.

Other Matters

10. There would be a benefit from the delivery of an additional dwelling in proximity to the services and facilities available in the urban area and the associated economic benefits of development. However, there is no evidence before me to suggest the Council is not meeting its requirements with respect to the delivery of housing or the supply of housing land. The benefits of a single dwelling would be limited.
11. It would not be necessary for the site to be developed for it to be maintained to an acceptable standard. While there may be recently approved dwellings on the opposite site of the access road, these would not have the same relationship to the pylon as the proposed development. No concerns have been raised with regard to the appearance of the proposed dwelling or how it would integrate

with the surrounding dwellings. I have no reason to find otherwise. However this would amount to a lack of harm and would therefore be neutral.

Conclusion

12. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to suggest the decision should be made other than in accordance with the development plan. Therefore for the reasons given, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

J Downs

INSPECTOR