



Appeal Decision

Site visit made on 12 March 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2024

Appeal Ref: APP/P4415/W/23/3331652

3 Rockingham Road, Swinton, Rotherham, South Yorkshire, S64 8EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by L Monfredi of LMC Yorkshire against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref is RB2023/0083.
 - The development proposed is described as: Conversion of existing public house with accommodation above to two dwellinghouses with additional 4 dwellinghouses to rear.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposal would provide adequate living conditions for future occupiers; and
 - the effect of the proposed development on the living conditions of the occupiers of neighbouring properties.

Reasons

Character and Appearance

3. The appeal site lies within a built up area and fronts Rockingham Road. The site includes a vacant public house building and the land to the rear, part of which was formerly the car park. The land includes a wooded area with several trees, some of which lie on or close to the boundary with neighbouring gardens.
4. The surrounding area comprises of predominantly residential properties with some commercial uses on the opposite side of Rockingham Road. Although there is a row of three storey townhouses to the opposite side of the road, the area is primarily characterised by two storey detached and semi detached houses with some detached bungalows, including two that are located to the south of the appeal site. Dwellings, including the bungalows, are typically well-spaced and set back from the road behind small front gardens. The gaps between the dwellings allow for occasional views of the longer gardens to the rear, often containing mature trees. Overall, this contributes to a streetscene with a spacious character.

5. It is proposed to convert the public house to two dwellings and construct four dwellings within the area to the rear. These would consist of two two-bedroom bungalows and two three-bedroom bungalows with rooms in the roofspace.
6. The proposed dwellings would have a linear form with slim gables to the front occupying almost the full width of narrow plots and extending a considerable distance to the rear. As a result, all of the dwellings would be sited extremely close to one another, with limited gaps between them causing them to appear cramped, in contrast with the well-spaced dwellings along Rockingham Road. Each dwelling would also be orientated slightly differently, which would result in a somewhat ad hoc appearance. Overall, this would give the impression of the development being squeezed into the site. Front gardens would be minimal with most of the frontage being hardsurfaced and devoted to parking and turning areas. The rear gardens would be unlikely to be visible between the narrow gaps in the built form but would be distinctly shorter than is typical here.
7. For these reasons, the proposal would appear as an incongruous addition to the streetscene, in conflict with the prevailing character of the area. It would therefore not constitute good design. Whilst located to the rear of the public house building, the conflict with the prevailing character would be easily observable from the site access, to the detriment of the character and appearance of the streetscene.
8. The appellant has referred me to the garden length of properties along Church Street, however, the appeal site is not seen in the same context as those properties and, nonetheless, as set out above, the incongruity of the proposal does not arise solely from the proposed garden length. I have set out above that the existing townhouses are atypical within the streetscene. Similarly, the extent of amenity area to the rear of commercial properties has limited relevance to the appeal.
9. I accept that the proposal would meet the minimum spacing standards as set out in the South Yorkshire Residential Design Guide (the SPD) however, for the above reasons the proposal would constitute a cramped form of development that would be at odds with the prevailing character. The proposal would therefore adversely affect the character and appearance of the area. It would therefore conflict with Policy CS28 of the Rotherham Local Plan Core Strategy (2014) and Policy SP55 of the Rotherham Local Plan Sites and Policies (2018) (the LPSP) which together seek to ensure new development proposals constitute high quality design that contributes positively to local character and distinctiveness.
10. There would also be conflict with the provisions of the National Planning Policy Framework (the Framework) which, amongst other things, places emphasis on the importance of good design as a key aspect of sustainable development and the need for development proposals to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Living Conditions – Future Occupiers

11. The proposed garden areas would be in excess of the minimum area of 60 square metres set out in the SPD. Furthermore, the proposal would exceed the minimum 21 metres standard first floor to first floor windows as well as the 10 metres minimum garden length, also set out in the SPD. The Council

acknowledges that on this basis the proposal would meet the minimum residential design standards contained within the SPD.

12. Whilst I have found that the development would be cramped and at odds with the character of the area, I am satisfied that, the extent of outdoor space provision would ensure that acceptable levels of outlook would be provided to the proposed dwellings. This is reinforced by the content of the SPD.
13. For the above reasons I conclude that the proposal would provide adequate living conditions for future occupiers. The proposal would therefore comply with Policy SP55 of the LPSP insofar as it relates to providing adequate living conditions for future occupiers.

Living Conditions – Existing Occupiers

14. Given the extent of private gardens, the occupiers of neighbouring residential properties typically enjoy reasonably good levels of outlook from windows. Given the single storey nature of the proposed dwellings, and the proposed boundary treatments, I am satisfied that the proposal would not adversely affect outlook from the adjacent neighbouring properties.
15. The appeal site was previously a sizeable car park serving a public house, a use which, on the basis of what is before me, could be resumed without planning permission. Such a use would have generated comings and goings into the night whilst the public house was in operation. I am therefore satisfied that the development of the former car park would not result in a significant increase in disturbance to the occupiers of neighbouring properties through noise and car headlights associated with the comings and goings of future occupiers. The proposal would therefore preserve the living conditions of the occupiers of the neighbouring properties. On this basis the proposal would comply with Policy SP55 of the LPSP insofar as it relates to preserving living conditions.

Other Matters

16. ODPM Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
17. The appellant's Bat Survey Report, indicates that there is low potential for roosting bats in part of the public house building with occasional potential bat access points observed within the roof, timber slatted air vent on the gable end and gaps in missing mortar of the verges. The Report states that these are roosting features that small numbers of bats could utilise which make their presence within the building difficult to ascertain during the initial survey. The Report concludes that a single nocturnal survey is required during the optimal survey season to determine whether or not bats are present.
18. The application is not accompanied by such a survey. However, the effect on protected species did not form part of the Council's reasons for refusal. I sought the views of the parties on this matter. Whilst the Council argues that the proposal would retain the main building structure with limited alterations, I cannot be certain as to the extent that these would affect the potential roost locations. Moreover, the air vent is shown as infilled on the proposed plans and

it is likely that any gaps in mortar would be repaired as part of any conversion works.

19. In the absence of the nocturnal survey required by the Bat Survey Report, I therefore cannot be certain as to the extent to which protected species may be affected. This is supported by the comments from the Council's Ecologist. Nevertheless, as I am dismissing the appeal, I need not consider this matter in any more detail.

Conclusion

20. For the reasons given, having considered the development plan as a whole, along with all other relevant material considerations, including the approach in the Framework, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR