



Appeal Decision

Site visit made on 9 April 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 May 2024

Appeal Ref: APP/P4415/W/23/3332270

Garage to Rear of 110 Station Road, Kiveton Park, Rotherham S26 6QQ

- 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 Mr Andrew Willoughby against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref is RB2023/1119.
 - The development proposed was originally described as: Demolish garage (ancillary to dwelling) Erect 2 no. bedroom dwelling. Change of use as required.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. A new version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The parts most relevant to the appeal have not substantively changed from the previous iteration. Consequently, it is not necessary to seek further comments.

Main Issues

3. The main issues are the effect of the proposal on i) the character and appearance of the area, and ii) highway and pedestrian safety.

Reasons

Character and Appearance

4. The appeal site is located to the rear of terraced development on Station Road. A single width access road runs behind a number of the terraces with four entrance points from Station Road. The appeal relates specifically to an existing garage to the rear of No 110, adjacent to the access road. Other buildings falling within the appellant's control include the dwelling at No 108, a café at No 110 with a flat above and two flats located in a rear extension to No 108. The buildings stand to one side of a driveway and surround a shared rear yard. A pedestrian stairway leads from the yard to Station Road, next to a parking area to the side of No 110.
5. The existing single storey, flat-roofed garage would be replaced by a two-storey pitched roof dwelling larger in height, width and depth. The existing building has established the principle of development in this position, but it is of ancillary scale and function. This reflects the prevailing pattern of development to the rear, where generally low, rear extensions and modest outbuildings are visible within domestic rear gardens, alongside a number of detached garages to the southern side of the access road.

6. The proposal would not reflect this ancillary scale and function. Instead, it would introduce a taller and bulkier structure to the rearmost part of the site. It would have an awkward design with all of the windows to the southern side facing the access road and a single entrance door to the eastern elevation. This expanse of windows would clearly identify the building as a dwelling and, together with its massing, would appear as a dominant and aberrant building amid the otherwise unassuming scale and form of development at the rear.
7. The introduction of residential development fronting onto the access road would also represent a backland form of development not characteristic of the area. It would upset the established linear pattern of development fronting onto Station Road and the ancillary function of the land to the rear. The wider site does include two flats to the rear of No 108, but these are isolated examples so far as I am aware. They are also located within the interior of the site within a rear extension that is more aligned with the pattern of development. I do not regard them as permissive of further development to the rear that would intensify the extent of primary residential use in an area of overwhelmingly secondary form and function.
8. For these reasons, I conclude that the proposal would cause significant harm to the character and appearance of the area, contrary to Policy CS28 of the Core Strategy (September 2014) and Policies SP12 and SP55 of the Sites and Policies Document (June 2018) (the S&PD), which together require high quality development that positively contributes to the local character and distinctiveness of the area and the way it functions, having regard to factors including the form and grain of surrounding development. These policies are consistent with the Framework's aspirations for high quality design.

Highway and Pedestrian Safety

9. The Council's second, third and fourth reasons for refusal all stem from the concerns of the Transportation Officer in respect of parking provision. Planning permission granted in 2009 specified the three parking spaces fronting Station Road for the use of the occupants of the flats/café and for the inner courtyard to form a separate external amenity space for the flats. The amenity space has not been constructed, with the area used for bin storage and as part of a single, hard surfaced courtyard. The plans initially showed two parking spaces to the rear of the courtyard to serve the proposed dwelling, with a later amended plan allocating two of the spaces fronting Station Road instead.
10. It is unclear from the evidence where the parking for the existing three flats and café is. Whilst the plans indicate spaces for Flats 1 and 2 within the inner courtyard, there was no indication on site of any delineated or reserved parking spaces. Moreover, I saw a vehicle parked in the area initially put forward as parking for the proposed dwelling. Having observed the site, I share the initial concerns of the Transportation Officer that additional parking within the courtyard would create difficulties in manoeuvring vehicles into an out of spaces, requiring multi-point turns or long reversing out of the courtyard, where drivers would be emerging blind into the access road.
11. The alternative of using spaces to the front appears in direct conflict with the previous planning permission. As such, there is no assurance that vehicles would actually be able to park there. This raises the possibility of residents parking within the courtyard and prompting the aforementioned issues, or parking on Station Road or indiscriminately along the access road, adding to

pressure in both places. In the absence of clear evidence on the existing and proposed location of parking for the wider site, I am not satisfied that the proposal would be capable of providing suitable parking facilities but find that it would create potentially hazardous conditions that would pose a risk to highway safety.

12. I accept that the access road is not subject to consistent traffic, and speeds are likely to be low. However, it is well used as a parking area and the addition of a further dwelling would increase the volume and frequency of traffic using the access road, which is narrow, roughly surfaced and with tight, unsighted bends, creating conditions which would increase the potential for conflict between vehicles or between vehicles and pedestrians.
13. I note the Council's concerns with the proposal potentially setting a precedent for further development along the access road. However, any future application would have to be considered on its own merits, and in terms of highway safety would take into account the prevailing conditions at the time. As such, this does not weigh against the proposal.
14. However, for the other reasons set out, I find that the proposal would have an unacceptable impact in terms of highway and pedestrian safety, contrary to Policy SP56 of the S&PD which requires development to provide parking that does not compromise the operation of the highway. There would also be conflict with the Framework which states that developments should ensure that safe and suitable access to the site can be achieved for all users and that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

15. The Council did not refuse the application in terms of the effects on neighbours' living conditions, the standard of accommodation proposed or land contamination. On the evidence before me, I have no reasons to conclude differently to the Council. However, an absence of harm in these matters means they are neutral considerations in the overall planning balance.

Conclusion

16. The proposal would cause significant harm due to the adverse effects on the character and appearance of the area and highway safety. This results in conflict with the development plan, taken as a whole, to which I afford significant weight.
17. The proposal would add an additional dwelling to the housing stock in line with the government's desire to boost the supply of housing and there would be economic benefits associated with the construction of the dwelling and use of local services by future occupants. However, the small scale of the proposal means these would be no more than limited benefits weighing in its favour. These other material considerations, taken together, are not of sufficient weight to indicate that a decision should be made other than in accordance with the development plan.
18. Therefore, I conclude that the appeal should be dismissed.

K. Savage INSPECTOR