
Appeal Decision

Site visit made on 7 June 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2024

Appeal Ref: APP/P4415/D/24/3339785

279 East Bawtry Road, Whiston, Rotherham S60 4EW

- 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 Daniel Keens against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref is RB2023/1588.
 - The development proposed is the construction of a first floor extension to the already existing ground floor extension to the front of the property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises a two-storey semi-detached dwelling previously extended with a two-storey side extension and a single storey extension across part of the dwelling's front elevation. The dwelling forms part of a row of detached and semi-detached two-storey dwellings that are set back a similar distance from the road by off-street parking/front gardens. The dwellings front a service road and are separated a significant distance from the dwellings on the opposite side of the road by a dual carriageway, another service road and grass verges.
4. It is proposed to construct a first floor on top of an existing ground floor front extension to create a two-storey extension that would project forward of the dwelling's original front elevation. Some of the dwellings in the row along the southern side of the road have previously been extended and altered, however, extensions beyond the front elevation tend to be single storey, subordinate to the dwelling and not highly visible from the road due to their scale and the height and location of front boundary treatments/vegetation. In contrast, the proposed extension would dominate the front elevation of the dwelling and would be prominent when viewed from the road.
5. I acknowledge that the pair of semi-detached properties are no longer symmetrical in their appearance due to previous extensions. However, unlike the existing extensions, the proposal would dominate and significantly alter the appearance of the front elevation of the dwelling, substantially unbalancing the pair of semi-detached properties.

6. I have been directed to examples of two-storey front extensions on the opposite side of the road from the appeal site. I was able to view these on my site visit. I am not aware of the planning history surrounding these extensions, the development plan that was in place at the time they were approved by the Council, or whether planning permission was indeed obtained. However, the road separating the appeal site from these examples creates a substantial divide, so much so that the properties on the opposite side of the road are not viewed in the context of the appeal site. Furthermore, these examples demonstrate how two-storey front extensions can appear prominent and incongruous on semi-detached dwellings. Consequently, I do not find that the presence of similar extensions in the vicinity of the appeal site justifies the proposal. In any event, I must determine each development on its own merits.
7. In reference to the main issue, the proposal would harm the character and appearance of the surrounding area. It would conflict with Policy CS28 of the Rotherham Local Plan Core Strategy 2013-2028, adopted 2014 and Policy SP55 of the Rotherham Local Plan Sites and Policies, adopted June 2018 which, amongst other things, seek to ensure that development proposals positively contribute to the local character and distinctiveness of an area, the setting of the site and the grain of surrounding development. The proposal would also conflict with the Council's Householder Design Guide Supplementary Planning Document, adopted 2000 that states, two-storey front extensions will normally be refused, and they can look out of keeping on semi-detached properties.

Other Matters

8. It has been brought to my attention that a member of the appellant's family, a child, has a health condition that could meet the statutory definition of a disability. Since there is the potential for my decision to affect persons with a protected characteristic, I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010 (the Act), which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not.
9. I have also had regard to Article 8(1) of the European Convention on Human Rights as enshrined in the Human Rights Act 1998, that everyone has the right to respect for his private and family life and his home. Where Article 8(1) rights are those of children, as in this case, they must also be seen in the context of Article 3(1) of the United Nations Convention on the Rights of the Child. Childrens' best interests are thus a primary consideration and no other consideration, including the impact on the character and appearance of the area, is intrinsically more important.
10. I have considered the personal circumstances of the family member. The best interests of the child weigh in favour of allowing the appeal. The appellant asserts that the proposal is required to provide a larger bedroom that can accommodate a standard single bed and for wardrobe space to be provided. Nonetheless, this consideration is tempered somewhat as limited evidence has been provided that the proposal is the only design that could secure the proposed features. Therefore, I am not persuaded from the information before me, that the best interests of the child could not be achieved by less harmful means of extending and/or reconfiguring the existing dwelling.

11. As such, while I acknowledge the circumstances of the family member, there are no considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. My decision is a proportionate and legitimate response to the requirements of the Act and those of the plan led system.
12. The lack of harm to the living conditions of the occupiers of neighbouring properties is a neutral matter. While no letters were submitted from interested parties this does not indicate no objection.

Conclusion

13. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR