



Appeal Decision

Site visit made on 30 July 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2024

Appeal Ref: APP/P4415/W/24/3342133

8 High Street, South Anston, Rotherham S25 5AY

- 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 Nathan Wilczynski against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref is RB2022/1100.
 - The development proposed is the demolition of an existing dwelling and detached garage and replacement with 3 new dwellings.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of an existing dwelling and detached garage and replacement with 3 new dwellings at 8 High Street, South Anston, Rotherham S25 5AY in accordance with the terms of the application, Ref RB2022/1100, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council's officer report states that the appeal site is partly within the South Anston Conservation Area (CA), but the CA map identifies the site as being wholly within the CA. I have therefore determined the appeal on the basis that the appeal site is within the CA.
3. Since the planning application was determined, a revised National Planning Policy Framework ('the Framework') has been published. This has not raised any new matters which are determinative to the outcome of this appeal. However, I have referenced the revised paragraph numbers where necessary.

Main Issue

4. The appellant submitted a Historic Environment Desk-Based Assessment¹ with the appeal in response to the Council's second reason for refusal. The Council has reviewed this information and has conceded that a condition could overcome their concern should I be minded to allow the appeal.
5. Accordingly, the main issue is the effect of the proposal on the character, appearance and significance of the CA.

¹ Historic Environment Desk-Based Assessment: 8 High Street, South Anston, Rotherham, South Yorkshire, dated March 2024, produced by Wessex Archaeology (Document Ref: 290690.02)

Reasons

6. The appeal site is within the CA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The Framework sets out at paragraph 205 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to that asset's conservation.
7. The CA is focused on Sheffield Road, West Street, High Street and St James' Church. It comprises the historic core of the village that dates from medieval times and some of its immediate surroundings. The buildings within the CA are mixed in their appearance but are mainly constructed of stone with red tiled roofs. They are predominantly single or two-storeys in height and tend to abut the pavement or be marginally set back from the surrounding roads, creating an enclosed, high density character with limited areas of open space and trees. The significance of the CA derives from its historic and aesthetic values.
8. The appeal site is on the corner of High Street and Orchard Gardens. The plot is raised above High Street supported by a retaining wall, and slopes upwards from High Street. The plot contains a detached bungalow and detached garage. The existing buildings are not highly visible from High Street due to their siting towards the rear of a spacious garden but are more prominent when viewed from Orchard Gardens. The bungalow was constructed circa 1960s of brick with a grey tiled roof, while the detached garage is constructed of stone also with a grey tiled roof. The buildings do not exhibit any special architectural or historic interest, nor do they preserve or enhance the CA. Consequently, I have no objection to their demolition.
9. It is proposed to construct three detached two-storey dwellings fronting Orchard Gardens. They would be constructed of natural stone with clay pantiles that would complement the predominant building materials within the CA. The roofline of the proposed dwellings would follow the natural slope of the road as it extends up towards 2 Orchard Gardens. Each dwelling would have a garden and driveway to the front leading to an integral garage and would be separated from its neighbour by a two-metre-wide gap. Consequently, the proposed dwellings would have a similar appearance as the dwellings on the opposite side of Orchard Gardens (which are also within the CA) and therefore, they would preserve and enhance the CA's character, appearance and significance.
10. The Council asserts that integral garages would harm the character, appearance and significance of the CA as they are not a feature of it. I acknowledge that integral garages are not characteristic of the historic buildings within the CA. However, they are characteristic of several dwellings on Orchard Gardens within this part of the CA. Furthermore, the proposed dwellings would front Orchard Gardens rather than High Street. Therefore, they would be seen in the context of the more modern dwellings that have a similar character and appearance as the appeal proposal.
11. The Council has raised concern regarding the effect of the proposal on the character, appearance and significance of the CA from the loss of open space and existing trees within the appeal site. The dwellings have been positioned so that a large side/rear garden would be retained to plot 3 that would extend towards High Street. Therefore, a sizeable area of landscaped open space

- would be maintained on the corner of High Street and Orchard Gardens, that would preserve the open character and appearance of this part of the CA.
12. Several trees would be felled within the appeal site that are categorised as 'C' (low quality) or 'U' (poor condition) within the arboricultural report. Interested parties dispute these findings, but their assertions have not been supported with evidence. Notwithstanding the condition of the trees to be felled, those closest to Orchard Gardens make a positive contribution to the character and appearance of the CA.
 13. New planting, including the provision of trees, is proposed within the front gardens of the proposed dwellings adjacent to Orchard Gardens. While new trees could take several years to reach a size that would have a similar visual impact as the existing trees to be felled, I find the replacement planting would adequately compensate for the loss of the existing trees, particularly given their condition.
 14. In reference to the main issue, the proposal would not harm the character, appearance and significance of the CA. As I have not found harm to the CA, it is not necessary for me to undertake a balancing exercise in respect of the public benefits of the proposal. It would comply with Policy CS23 of the Rotherham Local Plan Core Strategy 2013-2028, adopted 2014 and Policies SP41 and SP55 of the Rotherham Local Plan Sites and Policies, adopted 2018. These policies, amongst other things, seek to conserve, enhance and manage Rotherham's historic environment, preserve or enhance the special character or appearance of Rotherham's Conservation Areas, and require development to positively contribute to the local character and distinctiveness of an area. It would also comply with the Framework in respect of the main issue.

Other Matters

15. The proposed dwellings would be smaller than the dwellings on the opposite side of Orchard Gardens, would have similar or larger plot sizes, and a garden that exceeds the Council's minimum standard. Consequently, I do not find that the proposal would be an overdevelopment of the site. The appeal site is within a built-up residential area where noise and light are commonplace, and the proposal would result in a small net increase of two dwellings. Accordingly, I do not find that the proposal would result in an unacceptable increase in noise or light pollution to the surrounding area.
16. Concern has been raised that the proximity of the proposed dwellings to existing trees along the western boundary of the site would lead to future pressure to prune/fell these trees to improve future residents' living conditions. However, the trees are in the ownership of 6 High Street and therefore, works could not be undertaken to the trees without the landowner's consent. Furthermore, the Council's Tree Service has not raised any objections.
17. I do not envisage that the proposal would cause damage to neighbouring properties. However, if this were to occur, it would be a matter that falls outside of the planning regime.
18. It has been demonstrated that the proposal would provide a net gain in biodiversity, which has not been disputed by the Council. The Highways Authority has raised no objection to the proposal subject to conditions and therefore, they do not consider it would have an adverse effect on highway

safety. The Council has assessed the proposal in respect of its effect on the living conditions of the occupiers of neighbouring properties and has raised no objection. I have no substantive evidence before me to come to a different conclusion on these matters.

19. From the evidence before me, the appeal site is not subject to flooding from any source and a suggested condition would control surface water run-off from the proposed driveways. Limited information has been provided to support the assertion that the existing sewerage system could not support the proposal, while noise and disturbance from demolition and construction would be for a temporary period.
20. It has been said that there are discrepancies between the Proposed Site Plan and Proposed Block Plan, however, I am unable to deduce any errors. Concern has been raised that some of the land within the appeal site falls outside the appellant's ownership. Even if this assertion is correct, it would not prevent me from forming a view on the appeal proposal.

Conditions

21. I have had regard to the conditions suggested by the Council and the tests for conditions set out within the Framework. Where necessary, I have made amendments to these in the interests of clarity, precision and enforceability. In addition to the standard condition, which relates to the commencement of development, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. I have included a condition requiring the proposed materials and boundary treatments to be agreed with the local planning authority to ensure the external appearance of the development is acceptable.
22. Pre-commencement conditions in respect of archaeology and biodiversity enhancement and management measures are necessary due to the potential for archaeological remains to be present within the appeal site and to ensure the proposal provides a net gain in biodiversity. The appellant has confirmed their agreement to these pre-commencement conditions.
23. Conditions in respect of the disposal of surface water from driveways and the closing and creation of accesses are reasonable and necessary to ensure the proposal does not adversely affect highway safety. A condition requiring the development to be undertaken in accordance with an arboricultural method statement and tree protection plan is necessary to ensure the continued wellbeing of existing trees that visually contribute to the character and appearance of the CA.
24. I have excluded a condition regarding the provision of a vehicle charging point for each dwelling as this is covered by Building Regulations.

Conclusion

25. For the reasons set out above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed.

A Berry

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawings: Location Plan, Proposed Block Plan, Proposed Site Layout (showing construction details) – 323/2J, Proposed Site Layout – 323/2K, Proposed Floorplans Plots 1 and 2 – 323/3B, Proposed Floorplans Plot 3 – 323/3C, Proposed Roof Plan (Plots 1 and 2) – 323/4C, Proposed Roof Plan Plot 3 – 323/4D, Proposed Elevations Plot 1 – 323/5H, Proposed Elevations Plot 2 – 323/5H, Proposed Elevations Plot 3 – 323/5I, Proposed Site Section – 323/7, Proposed Site Section – 323/8E.
- 3) No development above ground level shall take place until details/samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details/samples.
- 4) The dwellings hereby permitted shall not be occupied until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are occupied and retained thereafter.
- 5) Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either:
 - (a) a permeable surface and associated water retention/collection drainage; or
 - (b) an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

- 6) The dwellings hereby permitted shall not be occupied until a scheme is submitted to and approved by the local planning authority for the closure and provision of the vehicle accesses associated with the proposal on the site frontage. The approved scheme shall be implemented prior to the occupation of any of the dwellings hereby permitted.
- 7) No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, undertakes an archaeological evaluation of the application area in accordance with a written scheme of investigation. Drawing upon the results of this field evaluation stage, a mitigation strategy for any further archaeological works and/or preservation in-situ shall be prepared.

The scheme of investigation and the mitigation strategy shall be submitted to and approved in writing by the local planning authority and the approved measures thereafter implemented.
- 8) Prior to the occupation of any of the dwellings hereby approved, evidence shall be submitted to the local planning authority that demonstrates the development is being carried out in accordance with the approved Method Statement and Tree Protection Plan (dated 09 November 2023). This

could include a written record of the project arboriculturist site visits and/or a set of photos of the detailed tree protection fencing in place throughout the duration of the development.

- 9) No development shall commence until Biodiversity Enhancement & Management Plans (BEMPs) for the site have been submitted to and approved in writing by the local planning authority. The Plans shall provide:
- a) A description and evaluation of the features to be managed and enhanced including:
 - a description of new landscape planting incorporating native plant species;
 - gaps of suitable dimensions (130mm x 130mm) provided at the foot of permanent perimeter and boundary fences at selected points to permit the movement of hedgehogs around the site post construction;
 - 'Hedgehog Highway' signage provided (sourced by Peoples Trust for Endangered Species and/or British Hedgehog Preservation Society) and secured above the holes;
 - the location and number of bat roosting features to be included within the new residential properties; and
 - the location and number of bird nest boxes to be integrated into the new residential properties.
 - b) The extent and location/area of proposed enhancement works on appropriate scale maps and plans;
 - c) The aims and objectives of management;
 - d) Appropriate Management Actions for achieving the aims and objectives; and
 - e) An annual work programme (to cover an initial 5 year period).

The development will be implemented in accordance with the approved details. The approved details thereafter shall be retained and maintained for their designed purpose in accordance with the approved scheme.

For each of the first 5 years of the Plans, details shall be sent to the local planning authority at the end of each year reporting on progress of the annual work programme and confirmation of required actions for the next 12-month period.

The Plans shall be reviewed and updated every 5 years to ensure their aims and objectives are being met.

*****End of Conditions*****