



Appeal Decision

Site visit made on 8 August 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2024

Appeal Ref: APP/P4415/W/24/3342102

192 Ferham Road, Holmes, Rotherham S61 1DZ

- 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 Safa Ibrahim against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref is RB2023/1510.
 - The development proposed is extension to existing shop at ground floor and formation of new external steel staircase.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's reason for refusal clearly relates to the new external staircase and no concerns are raised with the extension to the existing shop at ground floor. I have no reason to come to a different conclusion on that element of the proposals and I have determined the appeal on that basis.

Main Issues

3. The main issues are the effect of the proposed new external staircase on:
 - the character and appearance of the host property and surrounding area; and
 - the living conditions of the neighbouring occupiers of 108 Psalters Lane, with particular regard to privacy.

Reasons

Character and appearance

4. The appeal property is a small, detached, two storey building located at the end of a row of terrace properties along Ferham Road. The building occupies a prominent position, close to the junction with Psalters Lane.
5. The surrounding area is characterised by a mix of residential and small commercial properties with industrial uses in the wider area. The building operates as a shop at ground floor with a small one bedroom flat at first floor. Access to the flat is taken from the small, rear yard area, through an external door at ground floor.
6. The proposed staircase would provide external access from the yard area to the first floor flat. Its appearance, due to its steel construction and functional form,

would be utilitarian. Furthermore, in the context of the modest building and small yard area, it would be a large structure that would dominate and overwhelm the rear of the building. Therefore, it would be a stark and unsightly addition to the building.

7. The corner plot position of the property and the height and form of the staircase would result in the upper parts of the staircase being visible above the brick wall on the side boundary at the rear. Therefore, it would be visible from vantage points along Psalters Lane and the busy A6109.
8. While I acknowledge that there are commercial premises and industrial buildings nearby, the utilitarian appearance of the structure, would be incongruous within the context of the existing buildings. In addition, its highly visible position on the property, would also result in unacceptable visual harm to the street scene.
9. For the collective reasons outlined above, I conclude on this main issue that the proposed new external staircase would be unacceptably harmful to the character and appearance of the host property and the surrounding area. The proposal therefore conflicts with the aims of Policy SP55 of the Sites and Policies Document (June 2018) (the S&PD) and the Householder Design Guide, Supplementary Planning Document, Adopted June 2020 (SPD), which together and amongst other things, requires high quality development that positively contributes to the local character and distinctiveness of the area and allow the original building to remain dominant. These policies are consistent with the aspirations for high quality design set out in the National Planning Policy Framework (the Framework).

Living conditions

10. The proposed external staircase would be located adjacent to the shared boundary with 108 Psalters Lane (No 108), a small, two storey, end of terrace property. No 108 has windows in its rear elevation, located close to the boundary. Whilst the parties have not established what internal rooms the windows of No 108 serve, the location would suggest that they serve habitable rooms.
11. The new first floor external door and landing area at the top of the proposed external staircase, would be in frequent use by the occupiers of the appeal property. Therefore, due to the short separation distance and juxtaposition between the top of the staircase and the neighbouring window, there would be clear intervisibility between the two. Consequently, the proposal would result in an unacceptable loss of privacy to the occupiers of No 108.
12. For the above reasons, the proposed new external staircase would unacceptably harm the living conditions of the neighbouring occupiers of 108 Psalters Lane, with particular regard to privacy. Therefore, the proposal would fail to accord with Policy SP55 of the S&PD and the guidance of the SPD, which together and amongst other things, requires all development proposals to be of high quality, which create decent living and working environments.
13. In addition, the proposal would fail to accord with the objectives of the Framework, which seeks to ensure a high standard of amenity for existing and future users of land and buildings.

Conclusion

14. For the reasons given above the appeal should be dismissed.

N Bromley

INSPECTOR