



Appeal Decision

Site visit made on 15 October 2024

by **Andrew McCormack BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 October 2024

Appeal Ref: APP/P4415/W/24/3347709

7 Sitwell Drive, Moorgate, Rotherham S60 3AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nazim Shabir against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2023/1315, dated 22 September 2023, was refused by notice dated 9 February 2024.
 - The development proposed is demolition of bungalow and erection of two detached dwellings.
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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 surrounding area; and
 - the living conditions of neighbouring occupiers with particular regard to it being an overbearing and dominant form of development and privacy.

Reasons

3. The appeal site is a large and spacious plot, like the majority in the surrounding area, that is adjacent to the turning head of the cul-de-sac at Sitwell Drive. From the highway on Sitwell Drive, the existing property on the site appears as a detached single-storey dwelling. However, due to the site levels sloping down from south to north, street level is higher than the rear garden area of the site. This allows for a basement level which is accessed at the rear of the dwelling. This level is not visible from Coach House Lane which runs along the northern boundary to the rear of the property. There are protected trees along the northern boundary which subject to a tree preservation order, TPO 2021 no.1.
4. To the east there is a new residential development which was under construction at the time of my visit. This is screened from the appeal site by substantial tree and hedgerow planting adjacent to the site's eastern boundary. To the west is the neighbouring property at 5 Sitwell Drive (No.5) which is a large detached two-storey dwelling on a similar sized plot to the appeal site.

Character and appearance

5. Paragraph 131 of the National Planning Policy Framework, published in December 2023 (the Framework) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to the planning and development process. Furthermore, Paragraph 139 says that significant weight should be given to development that reflects

local design policies and government guidance on design. Significant weight should also be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in the area, provided they fit in with the overall form and layout of their surroundings.

6. Policy CS28 of the Rotherham Local Plan Core Strategy (Core Strategy) relates to sustainable design. Policies SP12 and SP55 of the Rotherham Local Plan Sites and Policies document (Sites and Policies) relate to development in residential gardens and design principles respectively.
7. The appellant states there is no singular or prevailing form of development in the area and that there are many different plot sizes. In my view, it is correct that the properties in the locality are of an eclectic and varied nature in design and appearance. Indeed, this variety of design contributes greatly to the overall character of the area. However, with one or two exceptions, I find plots in the area to be predominantly large, at least within Sitwell Drive, and set within a low-density urban grain. As I observed during my visit, plots in the nearby area are spacious and each have a large, detached single property set within substantial private amenity space to the front and rear.
8. In this context, the two proposed plots, which would occupy the full width of the existing plot and the development of the two dwellings, would significantly increase the density of that part of Sitwell Drive. The visual impact of this would be exacerbated by the two/three-storey scale of the proposed dwellings when viewed from the Sitwell Drive. Furthermore, when viewed from Coach House Lane to the north of the site, the properties would have four visible storeys which would not be in keeping with other properties in the locality. As a result, such a change in appearance, scale and height of development on the appeal plot would harm the character and appearance of the area by introducing an irregular built form that would appear to be of a much higher visual density than the properties nearby. It would appear alien to its surroundings and would be aesthetically detrimental to the overall character and appearance of the street scene of Sitwell Drive and the section of Coach House Lane to the north.
9. It is acknowledged that the proposed density for the site with the two plots would be 33 dwellings per hectare (dph) which is within the national average of 30-35 dph in suburban areas. However, as I have considered in determining this appeal, there is more to consider with the proposed development than simply the suitability of its density rate, such as its visual impact, scale, proposed plot proportions and its relationship to, and impact upon, neighbouring properties and the wider street scene.
10. The introduction of two detached dwellings on the site would be out of keeping with the character and nature of properties on Sitwell Drive. It would result in smaller, narrower plots being formed with smaller, narrower dwellings placed upon them. The density of the new development on Coach Horse Lane to the east is likely to result in a higher density in the wider area. However, the proposed scheme would be seen and experienced principally in the context of Sitwell Drive due to the substantial tree and hedgerow screening between the appeal site and the new development. All properties on Sitwell Drive are, or at least appear to be, large single occupancy detached dwellings on substantial plots. In that context, I find the proposed split of the plot into two with two single properties would not be in keeping with this overall character. Policy SP55(h) of the Sites and Policies document encourages the maximisation of densities where appropriate. However, in this case, this would not be appropriate.
11. The appellant points to aspects in favour of the proposal including the dwellings being set back from the highway and each dwelling having amenity space that would exceed the minimum requirement of 60sqm. There would also be three parking spaces within each plot to meet parking requirements. Notwithstanding this, the two plots would create a development that would appear cramped in an area of large, detached properties on

spacious plots. The change from one property to two smaller properties on the appeal site with the additional height and scale of the buildings proposed would substantially increase the built form. In doing so, it would be visually incongruous in the street scene and would not reflect the overall character and appearance of the area.

12. I have also had regard to points made about the proposal being one that seeks to use the site topography and positioning to be innovative and of a high-quality design that respects the local character and distinctiveness. I also note the appellant's intention for the proposal to respect its context in terms of density, height, scale and mass and also the regard had to accessibility. Nonetheless, having considered these aspects, I find that the scale, mass and visual appearance of the proposed scheme would not fit in with the form and layout of its surroundings, particularly on Sitwell Drive and with regard to plot widths when viewed from the public highway. As a result, I find that the harmful impact of the proposal on the spacious character and appearance of the surrounding area would not be overcome by the appellants indicated intentions.
13. Consequently, for the above reasons, I conclude that the proposed development would have a significant detrimental effect on the character and appearance of the surrounding area. Therefore, it would conflict with Policy CS28 of the Core Strategy, Policies SP12 and SP55 of the Sites and Policies document and the relevant advice within the Framework.

Living conditions – overbearing form of development and overlooking

14. The appellant has stated that the proposed dwellings would be on reasonably sized plots and would not raise significant issues of overlooking or loss of amenity. Furthermore, it is argued that there would be sufficient separation between existing and proposed dwellings to overcome difficulties relating to overlooking.
15. Both proposed dwellings would occupy the full width of each sub-divided plot. In particular, the dwelling on Plot A would be positioned much closer to the boundary with No.5 than the existing dwelling. This, along with the much higher scale of building proposed, the sloping topography of the site and the elongated form of the proposed dwellings stretching back on their plots would have a substantial overbearing effect on the property at No.5 and the living conditions of its occupants, particularly regarding the rear garden area. This adverse impact would be exacerbated by the scale and height of the predominantly brick-faced west elevation of the proposed dwelling on Plot A.
16. Moreover, to reduce the gradient of the driveway on the appeal site, as required by the Highway Authority, the proposed dwellings would need to be pushed back further into the site to allow for the necessary works. I find that this would further ensure the overbearing effect and dominance of the proposed dwellings on the property at No.5. The lengthy and high nature of the proposed west elevation of the property at Plot A would extend approximately halfway down the rear garden of No.5 along its common boundary with the appeal site. This would result in a substantial overbearing form of development, particularly due to its proximity to the boundary between the two properties.
17. I acknowledge the appellant's intention that the proposal seeks to respect the amenity of nearby residents whilst also allowing new residents to have adequate levels of private amenity. I have had regard to the points made relating to the shape and orientation of the appeal site in that the proposed dwellings would be set back from the forwardmost building at No.5 Sitwell Drive and would create a stagger between the properties at Nos.5 and 7, reducing the dominance and impact on No.5. Whilst the height of the proposed dwellings would be similar to the property at No.5, they would be set back so far on their respective plots that the front elevations would in fact be behind the rear elevation of No.5. This would leave the entire side elevation of the Plot A dwelling to run closely along the common boundary with No.5. The impact of this would be increased by the sloping topography where the rear garden of No.5 would slope downwards resulting in a greater height - up to three/four storeys - of the dwelling on Plot A next to the common boundary.

18. In terms of overlooking and privacy, the windows on the side elevation of the proposed dwelling on Plot A would be at second and third floor level. These would face the neighbouring property at No.5 and serve the landing areas within the proposed dwelling. Given that these windows could be obscure glazed and that such a measure could be secured by condition, this aspect of the proposed scheme would not result in any substantive harm in terms of overlooking. Therefore, in this regard, I conclude that the proposed development would not have a detrimental effect upon the amenity of neighbouring occupiers in terms of overlooking and privacy.
19. On balance, having taken all relevant matters into consideration in terms of the impact on living conditions, I conclude that the proposal would have a substantial, dominant and harmful impact on the neighbouring property at No.5 and its occupiers in terms of it being an overbearing form of development by reason of its scale, proximity, position and design. Consequently, I conclude that the proposed development would conflict with Policy CS28 of the Core Strategy, Policies SP12 and SP55 of the Sites and Policies document and the relevant sections of the Framework.

Other considerations

20. The appellant has indicated that they do not propose to utilise permitted development rights. Nonetheless, it is a material consideration in terms of a fallback position. It is stated that the existing property would benefit from the creation of an additional storey under Class AA which would allow for an additional storey of no more than 3.5 metres, where the existing dwelling consists of only one storey. The appellant draws attention to the fact that the impact of this could be viewed in the same manner as the appeal proposal.
21. I acknowledge that permitted development rights exist to carry out such work should the appellant choose to do so. However, I must determine the proposed scheme that is before me on its own merits and circumstances, having regard to all other matters and material considerations raised. Accordingly, the appellant's point is noted and I have taken it into account in my overall assessment of the appeal proposal.
22. There were other matters raised in relation to the proposed scheme regarding highway safety, the impact on existing trees on the appeal site and the potential impact on the surrounding area and neighbouring occupiers with regard to noise. As I am dismissing the appeal it not necessary for me to consider these matters in further detail. Nonetheless, I confirm that my findings on these other matters would not alter my overall conclusion on the main issues identified.

Conclusion

23. Therefore, for the above reasons, and having had due regard to all other matters raised, I conclude that the appeal should be dismissed.

A McCormack

Inspector