



Appeal Decision

Site visit made on 29 October 2024

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2024

Appeal Ref: APP/P4415/W/24/3346284

43 Wentworth Gardens, Rotherham S64 8EP

- 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 S Dickinson against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref is RB2024/0415.
 - The development is application for the construction of a detached double garage and extension of domestic garden.
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Decision

1. The appeal is allowed and planning permission is granted for application for the construction of a detached double garage and extension of domestic garden at 43 Wentworth Gardens, Rotherham S64 8EP in accordance with the terms of the application, Ref RB2024/0415, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos: Site Location Plan, scale 1:1250; Proposed Block Plan, scale 1:200; and SC/23/41-301.

Preliminary and Procedural Matters

2. The development has already been undertaken and appears to be in accordance with the submitted plans. As such, I have had regard to the development as built as well as the plans before me.
3. I have removed reference to 'retrospective' within the description of the development in the banner heading and in my formal decision as this is not an act of development.

Main Issue

4. The main issue relevant to this appeal is whether the garage and extended garden prevents the development of allocated site H52 from the Rotherham Local Plan Core Strategy (CS).

Reasons

5. The appeal dwelling is located at the end of a small residential estate and between 43 Wentworth Gardens and the neighbouring property is a turning head. Behind this turning head is a large, grassed field that has been allocated in the CS to deliver 32 homes.
6. A garage and a brick boundary wall have been built on the appeal site next to this turning head and given the limited width of the turning head, if this was to

be used as the vehicular access to the allocated site it may need to be widened to allow for two-way traffic. The appellant has provided a survey plan identifying what land is within their ownership and the Council has not disputed this plan. Based on the information before me I see no reason to conclude otherwise. Part of the land where the garage has been built may be required for the access road to the allocated site to the rear and this is within the appellants ownership.

7. As far as I have been made aware a planning application has not been submitted or approved for the allocated site and no detailed plan has been prepared for it. As a result, the location of the vehicular access has not been determined.
8. No robust evidence has been submitted that would lead me to conclude that any vehicular access to the allocated site via Lawrence Drive, which is on the opposite side of the allocated site to the appeal site, would not be possible.
9. Furthermore, if access to this site can only be achieved via Wentworth Gardens any developer would likely have to acquire the appeal site or an agreement with the appellant to deliver a vehicular access. In that event, it is not unusual that buildings are demolished to secure access to development sites and if that was the case, the garage would not be a substantial building to demolish and similarly so for the boundary wall.
10. As such, based on the information before me the garage and extended garden does not prevent the development of the allocated site. Therefore, the development complies with Policies CS1 of the CS and SP1 of the Rotherham Local Plan Sites and Policies insofar as the allocated site would continue to contribute towards meeting the requirements of the CS.

Conditions

11. The development has already taken place and the scale of the garage is subordinate to the house. The design and materials used are also consistent with the dwelling and thus the garage appears sympathetic with it and the wider street scene. Furthermore, the land that has been used as garden land has not created a disproportionately large garden for the house or the wider area and appears appropriate in this residential context. Whilst this may be the case, a condition specifying the approved plans is necessary in the interest of certainty.

Conclusion

12. The development complies with the development plan and the material considerations do not indicate that the appeal should be determined other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

G Sibley

INSPECTOR