



Appeal Decision

Site visit made on 3 December 2024 by L Clark MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th January 2025

Appeal Ref: APP/P4415/W/24/3350174

146 Wales Road, Kiveton Park, Rotherham S26 6RE

- 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 & Mrs Fletcher against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref is RB2024/0855.
 - The development proposed is the erection of single storey extension to provide ancillary office and storage space.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter and Main Issue

3. The description above is taken from the application form that also refers to the retrospective nature of the appeal scheme which the Council have confirmed. The main issue, with this in mind, is the effect of the scheme on the living conditions of the occupiers of 144 Wales Road (No. 144) with particular regard to outlook and light.

Reasons for the Recommendation

4. The appeal site is a yard area to the rear of a detached commercial premises. It sits immediately alongside the narrow garden of the neighbouring property, No. 144, which also benefits from a brick outbuilding that forms part of the rear boundary and restricts some views into the site.
5. The extended part sits on the boundary with No.144 and runs along the entire length of their rear garden. The wall is featureless and is of a substantial size. Its scale and plainness make the experience of the garden oppressive and garners a strong sense of enclosure, detrimentally affecting the outlook from both the garden and the rear ground floor windows of No. 144. This boxing in effect to the garden also further restricts the light into their site.
6. The development is therefore contrary to Policy SP 55 of the Rotherham Local Plan 2018 that is concerned with properties being protected from overshadowing amongst other things.

Other Matters

7. There remains dispute as to the height of the development compared to the previous wall or an extant permission for a similar extension. However, it is not in doubt that the development is more than marginally taller than either of the above and therefore the potential fallback position does not change my findings. Prior to the development, the occupiers of No. 144 already had a limited outlook from their garden and rear windows, but the height of the extension makes this worse.
8. The appellants have drawn my attention to the previous boundary treatment that included trees. I have limited information on their height, density, type and whether they would or could have been retained going forwards. In any event, they are no longer on site and the scheme presents a solid brick wall which, for the reasons I have explained, is harmful to the living conditions of the occupiers of No 144.

Conclusion and Recommendation

9. For the reasons given above, the appeal scheme would conflict with the development plan and there are no sufficiently weighty material considerations to indicate a decision other than in accordance therewith. I therefore recommend that the appeal should be dismissed.

L Clark

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR