



Appeal Decision

Site visit made on 22 January 2025

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th February 2025

Appeal Ref: APP/P4415/W/24/3348715

Land between Nos 100 and 108 South Street, Rawmarsh, Rotherham S62 5RD

- 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 Cooke + Mrs D Breese + Ms A Cooke - The Executors and Beneficiaries of the late K Cooke against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref is RB2024/0357.
 - The development proposed is erection of semi detached house with 2 attached apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. In the interest of natural justice and to ensure neither of the main parties were prejudiced by this matter, I consulted both parties on the changes to the Framework but received no further comments. Any reference to the Framework in this decision is to the most recent version.

Main Issues

3. The main issues are the effect of the proposal on :-
 - the character and appearance of the surrounding area;
 - the living conditions of the occupiers of No 100 South Street in respect of outlook; and
 - the free and safe flow of traffic.

Reasons

Character and Appearance

4. The appeal site includes a double garage and attached greenhouse and overgrown land. There is a driveway in front of the garage. South Street comprises a mix of different styles of houses, some with driveways and off-street parking space, others are closer together and do not have driveways. A few have off-street parking in front of the house. The street is fairly narrow with a mix of brick and stone walls to the frontages of the houses.
5. The proposal would comprise a two storey detached building divided into a two bedroomed two-storey house and two one bedroomed apartments, one on the ground floor and the other on the first floor. In design terms, the proposed building

would reflect similar characteristics to other dwellings in the street and in its general appearance, scale and form, it would fit in with the general street scene.

6. However, to the front of the building four car parking spaces would be provided. There would be minimal space for landscaping and therefore, other than some token landscaping, the entire frontage would be hardsurfaced. The open appearance of this expanse of parking space and the subsequent lack of boundary walls would be out of place with the general appearance of the street scene.
7. I note that there are some new houses in the road where the frontage is almost fully utilised by parking space and a further development under construction that will have parking spaces to the front. These add to the variety of house types in the street but the lack of a defined front boundary, conflicts with the overall character of the street where boundary walls are prevalent. Whilst cars are a dominant feature in the street due to the amount of on-street parking, the demarcation between the houses and the highway would be incrementally lost by allowing development that necessitated off-street parking in the manner proposed.
8. Notwithstanding that a modest amount of landscaping could break up the parking spaces, the dominance of parking space across the width of the appeal site would be harmful to the overall character and appearance of the surrounding area. This would conflict with Local Plan¹ Policies CS 28 and SP 55 which require new development to be well designed and responsive to its context and have regard to the setting of the site. It would also conflict with Local Plan Policy SP 56 which specifically seeks to ensure that development does not result in parking platforms to the front of the property that dominate the street. In this respect, the proposal would also not represent the high quality of design set out in Chapter 12 of the Framework.

Living Conditions

9. Nos 98 and 100 South Street are a pair of semi-detached houses but unlike the other houses in this part of the street, they appear to have been originally constructed with their main windows in the side elevations. However, past alterations have added a first floor front window to No 100 although No 98 does not have this feature. There are therefore a number of windows in the side elevation of No 100 but I am not clear whether these serve habitable rooms and/or are now secondary windows. A garage and walls partly screen ground floor windows from the appeal site.
10. At first floor level, windows in the side gable would face the side gable of the proposed building. The distance, at about 10 metres, would be below the 12 metres recommended in the South Yorkshire Residential Design Guide 2011 (SYRDG). The SYRDG is mainly intended to apply to developments of 10 or more dwellings although it states that it is also to be used as a main point of reference for smaller developments. The Council view this shortfall as being detrimental to the amenity of the occupiers of the neighbouring property in terms of their outlook and a subsequent sense of enclosure.
11. Given that it is not clear whether the outlook from No 100 would be from windows to habitable rooms or that these side windows are the only windows to any affected room, I am unable to conclude with any certainty that the proposal would

¹ Rotherham Metropolitan Borough Council – Rotherham Local Plan Core Strategy 2013 – 2028, Adopted September 2014.

be harmful to the occupiers of No 100's outlook or result in a sense of enclosure. I am mindful that a distance of about 10 metres would remain between the side elevations of the existing and proposed properties and although occupiers would look out towards the side gable wall of the proposed building, it is unlikely that this effect would be sufficient to significantly harm the living conditions of the occupiers of No 100 in respect of outlook. In this respect therefore, I do not consider that the proposal would conflict with the design principles set out in Local Plan Policies CS 28 or SP 55. I also do not consider that the objectives of the SYREDG would be undermined.

Free and Safe Flow of Traffic

12. The existing garage and driveway would appear to provide parking space for the occupiers of No 110 South Street. The loss of this space would mean that the occupiers of No 110 would be required to park on the street. I saw on my site visit that there is significant demand for on-street parking and the row of houses from No 108, 112, 114 etc have no off-street parking space.
13. The appellant's have indicated that of the four spaces to be provided as part of this development, one would be reserved for No 110 which is also in the appellants' ownership. I note that there is a right of way from No 110 across the rear and side of No 108 which would allow direct access to a parking space (as well as being able to walk a short distance along the road). However, it is not clear how this provision could be secured. The appellant suggests that this could be through a car parking lease and whilst this may be a workable mechanism in some developments, I am not clear how robust such an arrangement would be in this case. The Council has questioned the suitability of a planning condition to secure this and no condition is suggested. I have no evidence therefore that a condition could be suitably worded to secure this arrangement whilst meeting the tests for conditions as set out in the Framework and the Planning Practice Guidance (PPG).
14. However, it is not clear how the existing space on the appeal site is currently secured for the occupiers of No 110 or how it could be retained regardless of the success or otherwise of this appeal. The other three spaces would be provided for each of the new dwellings proposed and there is no dispute that this would not meet the Council's parking requirements.
15. Notwithstanding the possible legal arrangements that could secure the parking space for No 110, the space could be lost and future occupiers may need to park on the highway. However, on the basis of my assessment above, the proposal would not cause a demonstrable increase in on-street parking to the detriment of the free and safe flow of traffic. Therefore, whilst I have found that the proposal would conflict with Local Plan Policy SP 56 with regard to the parking arrangement, as explained above, it would not conflict with it with regard to compromising the operation of the highway.

Conclusion

16. Whilst I have found that the proposal would not harm the living conditions of the occupiers of No 100 South Street in respect of outlook or the free and safe flow of traffic, I have found that it would harm the character and appearance of the surrounding area in conflict with Local Plan Policies CS 28 and SP 55 as well as the Framework, as described above.

17. Therefore, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

J D Clark

INSPECTOR