
Appeal Decision

Site visit made on 25 February 2025 by L Clark MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 MARCH 2025

Appeal Ref: APP/P4415/D/25/3358486

14 Wet Moor Lane, Wath-Upon-Dearne, South Yorkshire S63 6DF

- 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 Alan Perry against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref is RB2024/1370.
 - The development proposed is a single storey front dining area extension.
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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

3. The description above is taken from the application form and whilst it varies slightly from the decision notice, the difference is not fundamental. The ability of any party to make their case in respect of the appeal scheme would not be prejudiced by me referring to it these terms.

Main Issues

4. The main issues are the effect of the proposal upon a) the living conditions of the occupiers of Number 12 Wet Moor Lane (No.12) with particular regard to light and outlook and b) the character and appearance of the area.

Reasons for the Recommendation

Living Conditions

5. The appeal property is joined to No.12, and they have a sense of symmetry with one another where both bay windows are set next to each other, and they have two storey extensions that project from the front. The front door for each property is positioned to the side of the extended parts allowing some space between the buildings. Light to the bay windows and front door is restricted due to the position of the front extensions. There is a low boundary wall between them.
6. Running along the boundary with the neighbouring property, the extension would be overbearing to the occupants of No. 12 by boxing in the ground floor bay

window from which it would garner an oppressive outlook. This tunnelling effect, which would be caused by the position and projection of the proposed extension and the existing two storey one, would further restrict the light into the window where it is already quite constrained. The proposal would also be overbearing to the occupants of No.12 when they would be accessing their property by creating an enclosing effect to the door that would open toward the extension. It would therefore harm the living conditions of the occupants of No.12 and, as such, be contrary to Policy SP55 of the Rotherham Local Plan Sites and Policies 2018 (LPSP) which is concerned with living environments amongst other things.

Character and Appearance

7. Most of the properties on Wet Moor Lane are semi-detached and have been subject to alterations however they retain similar materials with ground floor bay windows. The appeal property and the adjoining one appear to have been altered to provide two storey extensions to the front. They still have a fairly balanced appearance albeit they're not entirely symmetrical. Still, the consistency of their originality contributes positively to the character and appearance of the area.
8. The proposal would create a block on the frontage of the property. It would remove the bay window that is a defining characteristic of most of the semi-detached properties on Wet Moor Lane and would provide double doors to the frontage. These would emphasise what would be a standalone bulky feature that would unbalance the semis. Although the extension would be small scale and use materials to match the existing dwelling, it would cause harm to the character and appearance of the area by unacceptably eroding its originality. The proposal would therefore be contrary to Policies CS28 of the Rotherham Local Plan Core Strategy 2014 and Policy SP55 of the LPSP which are concerned with development being responsive to its context amongst other things.

Personal Circumstances

9. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Disability is a protected characteristic to which the PSED applies.
10. The proposal has been designed to allow wheelchair access into the dwelling. This is a matter of considerable importance to which I afford considerable weight. However, in this instance, the development proposed is permanent and would remain indefinitely regardless of the needs of future occupiers of the dwelling. As a result, the requirement to provide additional space for wheelchair usage to meet the appellant's needs does not outweigh the wider public interest of the planning harms that would arise from the proposal. Furthermore, I am not persuaded that the improvements could not be provided via an alternative scheme and achieve the requirements of Part M of the Building Regulations Guidance (2010) whilst alleviating the harms identified.
11. I have also considered the rights of the appellant under Article 1 of the First Protocol and Article 8 of the Human Rights Act 1998. Article 1 of the First Protocol states that every person is entitled to the peaceful enjoyment of their home. Article 8 affords the right to respect for private and family life. Dismissal of the appeal

would interfere with the appellant's rights under both Article 1 of the First Protocol and Article 8. However, these are qualified rights, and any interference may be justified where it is in accordance with the law and is necessary in a democratic society, applying the principle of proportionality.

12. A consequence of dismissing the appeal would be that the appellant may have to consider alternatives. However, the harms I have identified are such that dismissal of the appeal would be a proportionate and necessary response that would not violate the appellant's rights under Article 1 of the First Protocol or Article 8.

Conclusion and Recommendation

13. For the reasons given above, the appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight 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

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

John Morrison

INSPECTOR