



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: 24th April 2025

Appeal Ref: APP/P4415/W/24/3356246

38 Goose Lane, Wickersley, Rotherham S66 1JS

- 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 Michael Walsh against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref is RB2024/1030.
 - The development proposed is a detached dormer style bungalow.
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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 Issues

3. The description above is taken from the application form and whilst it varies from the decision notice, the difference is not fundamental. The Inspector has revisited the matter of self-build below. The ability of any party to make their case in respect of the appeal scheme would not be prejudiced by me referring to the appeal scheme in the above terms. The main issue within which is the effect of the proposal on a) the character and appearance of the area and b) the living conditions of future occupiers with specific regard to outdoor space.

Reasons for the Recommendation

Character and Appearance

4. The appeal site comprises part of the rear garden for 38 Goose Lane (No. 38) that borders other gardens to dwellings. There is no striking uniformity between most of the dwellings on Goose Lane, but the closest properties are generally detached and set back from the road. The appeal site is bordered by fencing along the entire boundary with the road. The gated access road leads along the side of the site to 3 two storey dwellings and one bungalow set closely to one another that are similar in appearance with differing materials which gives the group a sense of exclusivity.
5. The proposal would be set within a back land position. Such developments are not uncommon in the vicinity of Goose Lane. The proposal would be for a dormer bungalow and would therefore have a sense of subordination when compared to the host dwelling and would not be overly dominant within the street scene when

viewed against the closest bungalow. The proposal would be the first property on the private access drive which could be an improvement to the boundary fencing that is currently in place. It would form part of the existing comprehensive scheme. Properties at the end of the private access are set closely to one another and the proposal would be reflective of that close-knit character as a separate cul-de-sac and private, contained back land entity. Given that properties on Goose Lane are of varying designs and layouts, it would also sit comfortably there amongst.

6. The proposal would therefore not cause harm to the character and appearance of the area and would comply with the requirements of Policy CS28 of the Rotherham Local Plan Core Strategy 2014 and Policies SP12 and SP55 of the Rotherham Local Plan Sites and Policies 2018 (RLP) which are concerned with the character and appearance of the district amongst other things.

Living Conditions

7. The appeal site is small and therefore the development proposed would be smaller scale than some of the other properties on Goose Lane. The proposal would include off-road parking and a garden area to the side and rear.
8. The site would not be overly cramped and would provide adequate outdoor space that is relative to the size of the dwelling whilst still leaving adequate space for No.38. The experience for future occupiers would be different than those who would occupy a larger property with a larger garden but that does not amount to a poor living environment. There would be space for sitting out, outdoor drying and general enjoyment. As a small unit and garden, the scheme would likely appeal more towards older occupiers or people without children. The amount of space would also comply with the Council's relevant guidance. I am thus not convinced that the dwelling would provide inadequate living conditions for future occupiers and, consequently, would comply with the requirements of Policy SP55 of the RLP which is concerned with creating high quality development amongst other things.

Other Matter

9. The Council found that any potential for overlooking to properties on Lindum Drive would not be detrimental given the substantial distance between the appeal site and the rears thereof. I have no reason to disagree.

Conclusion

10. For the reasons given above, the proposal would not harm the character and appearance of the area and would provide acceptable living conditions for future occupiers. It would accordingly comply with the development plan.

L Clark

APPEAL PLANNING OFFICER

Inspector's Decision

11. The evidence suggests that the scheme would be exempt from Biodiversity Net Gain (BNG) requirements because it would be a self-build. The main parties were consulted on their position as to whether they considered the site to fall under the statutory duty for BNG, as well as the matter of conditions. The Council have raised concerns around imposing a condition securing the development as a self-build and

the enforceability of such, which I share. In the absence of a more suitably robust mechanism such as a planning obligation/legal agreement or other means, the development would not be properly secured as a self-build and would consequently revert to an open market dwelling. Resultantly, the proposed development would be liable to provide BNG under the statutory duty. It remains unclear as to whether the appeal scheme would fall under any of the other expressed exceptions therefore.

12. The Council have suggested a condition to meet the requirements of the development plan in regard to enhancement and/or no net loss of biodiversity, but this in itself would not be sufficient to meet the requirements for BNG. I have no detailed evidence to know what the current baseline of the site is for the purposes of establishing a metric and resultantly I am unable to understand what a gain would equate to in either quantitative or qualitative terms. Furthermore, and adopting the precautionary principle, I could not grant a planning permission for works which may, in so implementing them, affect a site to which assessment needs to be undertaken as to its value and/or condition in biodiversity terms.
13. With this in mind and notwithstanding my representative's findings on the main issues with which I agree, the appeal would not meet the statutory duty for BNG. I am therefore unable to allow it, and it has to be dismissed.

John Morrison

INSPECTOR