
Appeal Decision

Site visit made on 19 March 2025 by J Reed MPlan

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/P4415/D/25/3358728

85 South Street, Rawmarsh, Rotherham S62 5RE

- 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 Carl Clayton against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref is RB2024/1117.
 - The development proposed is erection of detached outbuilding to rear (double garage, office and store)
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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. From my site visit I saw that the development had commenced. The development appears to be in accordance with what is shown on the submitted plans, as such I have dealt with the appeal on the basis of the submitted plans.

Main Issues

4. The main issues are the effect of the proposed development on 1) the character and appearance of the host property and the surrounding area, and 2) the living conditions of the occupants of 81 South Street with regard to outlook and light.

Reasons for the Recommendation

Character and appearance

5. The residential area in which the appeal property is located consists of, amongst other things, two storey terraced and semi-detached dwellings with small gardens to the front and larger gardens to the rear. The appeal dwelling is an end terrace property set in a generous plot with garden to the front, side and rear. This lends to a pleasant suburban feel which contributes positively to the character and appearance of the area.
6. The detached single storey outbuilding covers a significant and substantial portion of the garden to the side and rear in both regard to its depth and width. This results in an overly large and bulky addition to the plot which, by virtue of its positioning

and land take, significantly erodes the garden's open form and appears excessive in this context. Its overall size and scale when set against the size of the host dwelling draws into question the ancillary nature and relationship that is typically experienced between a host property and any of its outbuildings.

7. The outbuilding is to be clad in brickwork and concrete tiles that match materials present in the wider area. However, regardless of this the materials do not match the white render utilised on the appeal dwelling which increases its prominence. The resultant development is a bulky, prominent incongruous feature which does not respect the pattern of built rhythm of the surrounding area.
8. I observed on my site visit that there were other detached outbuildings in the gardens of properties on South Street and the surrounding area. However, these are generally modest in their scale and massing.
9. The appellant has referred to the fact that the building replaces previous garages at the rear and side of the property. Although I do not have full details of these previous structures to give them significant weight, the available evidence in the form of historic aerial photographs appears to show that these are considerably smaller in size than the appeal development. On this basis, they do not justify the harm I have identified.
10. I therefore conclude that due to its overall footprint and massing, the development would cause significant harm to the character and appearance of the area and host dwelling. Thus, it would be in conflict with Policies CS28 and SP55 of the Rotherham Local Plan (2014) (the LP) which require development to be compatible with the host property and the surrounding area. The proposal would also fail to accord with the guidance contained within the Householder Design Guide Supplementary Planning Document (2020), which requires outbuildings to not be of an excessive size for their locality.

Living conditions

11. The appeal building shares a boundary with No 81 and are side by side by virtue of their siting. The appeal scheme outbuilding is set against the boundary with No 81 and due to the modest boundary fence is visible to the neighbouring property. However, due to the proposed outbuilding's single storey form, garden depth and the topography of the properties, the outbuilding would not be unacceptable or intrusively overbearing to the occupants of No 81.
12. The Council also raise concerns regarding a loss of light as a result of the outbuilding. Due to the orientation of the proposal relative to No 81 and taking into account the sun's path from sunrise to sunset, any overshadowing from the proposal would not be until late in the day. Even then, there is nothing to suggest that there would be a material loss of sunlight for occupiers of No 81 when compared with the previous situation of dense vegetation to the boundary. Moreover, given the outbuilding would not impact on the availability of sunlight received by No 81 for the vast majority of the day, this further indicates that a high standard of amenity with regards to light would be retained for occupiers of this neighbouring property.
13. With this and the above in mind, the scheme would not conflict with LP Policy SP55 which seeks to ensure that, amongst other things, development is sensitive to neighbouring amenity.

Other Matters

14. I am aware of examples of other large development in the surrounding area, however, in the absence of any further details pertaining to the circumstances present at the time they were approved, if they were, I cannot be certain they are sufficiently similar to the appeal scheme such that my findings would change.
15. The appellant has set out how they consider a building of a reduced size could be built using permitted development rights. It is not in dispute that the development subject to the appeal requires planning permission and I have proceeded on this basis. Any fallback using permitted development rights would be different and it has not been sufficiently demonstrated for me to draw comparison and there is no evidence to demonstrate that any such fallback would be lawful in any event. I therefore have given this limited weight in the appeal.
16. I have also had regard to the appellant's submission that there are no objections to the proposal. However, the absence of objections is a neutral factor in the balance and does not preclude a full and proper assessment of the planning merits of the case.
17. Concerns have been raised regarding the Council's conduct during the application stage. Nevertheless, this issue does not relate to the planning merits of the appeal, which must be the focus of my recommendation. It is understandable that the process may have caused stress and mental health implications for the appellant, however this would not be a reason to allow the appeal. The appellant has referred to the removal of some substantial trees, which were causing overshadowing, as a benefit of the development. I am not convinced that the appeal development is the sole means to achieving this and therefore give it limited weight.
18. Reference is made to community support for the development. This is not however documented, and I therefore also give this limited weight.

Conclusion and Recommendation

19. Although the development would not cause harm to living conditions, I have found that there would be significant harm to the character and appearance of the area and the host dwelling. The proposed development would therefore conflict with the development plan and there are no identified other considerations, including the National Planning Policy Framework, that outweigh this conflict.
20. For the reasons set out above, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

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

A M Nilsson

INSPECTOR