
Appeal Decision

Site visit made on 13 September 2016

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 September 2016

Appeal Ref: APP/J4423/D/16/3156023
112 Westwick Crescent, Sheffield S8 7DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P Drury against the decision of Sheffield City Council.
 - The application Ref 16/01439/FUL (Formerly PP-05053842), dated 14 April 2016, was refused by notice dated 17 June 2016.
 - The development proposed is a two/single storey rear extension to dwelling house including glass balustrade at upper ground floor level (Resubmission of 15/03157/FUL).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of the proposal from the Council's decision notice and the appeal form instead of the description on the planning application form. The description used more accurately represents the proposed development.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupants of neighbouring properties with particular reference to overlooking and privacy.

Reasons

4. The appeal site is a detached two storey house located in a residential part of Sheffield. The property is set within a substantial plot which slopes with a significant fall between the highway to the front and the large rear garden. I observed on site that, as a consequence of the topography of the site and surroundings, there is already a degree of overlooking from the rear of properties into neighbouring rear gardens.
 5. In November 2015 planning permission was granted for a similar extension to the one currently proposed. I have noted that in dealing with the previous planning application the Council sought amended plans to remove a proposed balcony area following concerns relating to overlooking to adjacent residential properties. The amended scheme the subject of the current appeal includes a glass balustrade at upper ground floor level to create a balcony area.
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6. Given the elevated nature of the rear balcony, its close proximity to the private rear gardens of Nos 110 and 114 Westwick Crescent and the extent of its protrusion from the rear of the house, there would be clear elevated views of large parts of the neighbouring rear gardens, including the raised patio areas closest to the properties, which appear to be well used.
7. Furthermore the balcony created by the installation of the balustrade would also allow clear views back into the rear windows of Nos 110 and 114. This overlooking would be particularly significant in terms of No 110 which has a large habitable room window close to its boundary with No 112 and a projecting rear and side facing kitchen window. Rear windows in No 114 could also be the subject of significant intrusive overlooking.
8. The resultant level of direct and uninterrupted overlooking into private rear gardens and into the rear windows of neighbouring properties would be significant to the extent that it would lead to an unacceptable loss of privacy prejudicial to residents' enjoyment of their properties.
9. Although the balcony would be set in from the boundaries with neighbouring properties and there is currently some landscaping along the boundaries these factors would not be sufficient to mitigate the level of intrusion that would arise.
10. I accept that the balcony would be no higher than adjoining raised patios. However, the specific function of the balustrade is to facilitate an outdoor balcony seating area which may regularly be used by the occupants of No 112, resulting in overlooking. Furthermore, the appellant has referred to the precedent set by other balconies in the area, but no photographs or other evidence have been submitted as indicated in the Supporting Statement. Nonetheless, I have determined the appeal on its merits.
11. The appellant has also indicated that an amended scheme and associated planning condition could resolve direct or intrusive views over neighbouring properties. However, no alternative scheme drawings have been submitted with the appeal and in any case that is not the proposal before me. I have determined the appeal on the application drawings.
12. I therefore conclude that the proposal would harm the living conditions of the occupants of neighbouring properties with particular reference to overlooking and privacy. Therefore, it is contrary to the amenity requirements of Policy H14(c) of the Sheffield Unitary Development Plan Adopted March 1998, Guideline 6 of the Designing House Extensions Supplementary Planning Guidance from the Unitary Development Plan and the National Planning Policy Framework.

Conclusion

13. For the above reasons I conclude that the appeal should be dismissed.

Alastair Phillips

INSPECTOR