

## Appeal Decision

Site visit made on 28 February 2017

**by Elaine Worthington BA (Hons) MTP MUED MRTPI**

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

**Decision date: 4<sup>th</sup> April 2017**

---

**Appeal Ref: APP/J4423/W/17/3168859**

**27 Normanton Spring Road, Sheffield, S13 7BA**

- 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 Kippax against the decision of Sheffield City Council.
  - The application Ref 16/04024/FUL, dated 25 October 2016, was refused by notice dated 12 December 2016.
  - The development proposed is the erection of a detached dwelling.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this case is the effect of the proposal on the living conditions of the occupiers of 29 Normanton Spring Road having particular regard to privacy, outlook and sunlight.

### Reasons

3. The appeal site is part of the long rear garden of No 27 which is a semi-detached house in a residential area. The garden is some 56 metres long and 5 metres wide and slopes downwards to the south away from the house towards an area of open woodland beyond which is in the Green Belt.
  4. The site is immediately adjacent to Normanton Spring Close where there is a development of flats. The proposed three storey detached house would have side gables and a pitched roof. It would be the same height as the adjacent flats and would be positioned to align with their front and rear elevations. As such, it would generally reflect the appearance of the adjacent building.
  5. With regard to privacy, the main habitable room windows of the proposed house would be on the rear elevation facing southwards and there would be no windows on the flank elevation adjacent to No 29. The front of the proposed house would be some 30 metres from the rear of No 29 and at a lower level than it. This being so, it would meet the separation distances guidelines in the Council's Designing House Extensions Supplementary Planning Guidance. Accordingly, in terms of the inter-visibility between windows, the proposal would not result in a loss of privacy to the dwelling at No 29 and would have a similar relationship with No 29 as the existing flats have with the other properties on Normanton Spring Road.
-

6. That said, the proposed house would fill the width of the plot and as a result would be positioned directly on the boundary with neighbouring No 29's rear garden. Windows serving the first floor bedroom and the second floor bedroom on the front elevation would be located towards the western side of the building and would allow close and uninterrupted views into No 29's garden directly to the west. Whilst No 29's garden is already visible from the front windows of the flats, since the flats are separated from No 29 by the appeal site, and are themselves set off the boundary with the appeal site, it is seen at a much greater distance and more oblique angle from there.
7. Permission was granted in 2014<sup>1</sup> for a dwelling on the appeal site. However, in contrast to the proposal before me, that scheme concerns a two storey house that would be set off the boundary with No 29 by around 1 metre. Furthermore, the Council advises that the internal layout of that house was designed to limit the position and numbers of main habitable rooms on the front elevation. The approved plans show only one first floor bedroom which is positioned on the eastern side of the building.
8. The plans for the approved house also show a ground floor kitchen window on its flank elevation facing No 29's garden. Although this is subject to a condition to ensure the use of obscure glass, the appellant argues that it could still incorporate an opening. Whilst I appreciate that this window is omitted from the proposal before me, in practical terms it would allow only limited and short range views over localised parts of No 29's garden, which would be possible only when it is open.
9. Taking all these factors into account, as I see it the appeal proposal would materially and unacceptably increase the overlooking of No 29's garden in comparison with the existing situation and the fallback position of the approved house. That the bedroom windows would be at a greater angle in relation to the rear elevation of No 25 (in comparison with the permitted scheme) does not alter my view.
10. In terms of outlook, as set out above, the proposed house would be some considerable distance from the rear of the dwelling at No 29 and views from No 29 over its own garden would remain. Nevertheless, the considerable bulk of the tall blank flank gable end of the proposed house would be appreciated at very close quarters from No 29's garden and would appear as an unduly dominant and overbearing structure.
11. Although the flank wall of the flats is already seen from No 29's rear garden, it is separated from it by the appeal site and the gap that has been maintained between the flats and its boundary with the appeal property. The proposal would bring three storey development much closer to No 29's garden. The appellant also argues that the relationship that would be established between the proposed dwelling and No 29's garden would be similar to that which already exists between the flats and the appeal property's rear garden. However, since the flats are not built directly abutting the boundary with the appeal property, I do not consider that to be the case.
12. Because the proposed house would be to the east of No 29's garden the appellant accepts that it would also lead to some loss of direct sunlight to the garden early in the morning. I also consider that the proposal would give rise

---

<sup>1</sup> Reference 13/03776/FUL

to some overshadowing and would lead to the lower part of the garden in particular being in shadow for more of the day than would be the case under the approved scheme. This adds to my view that the appeal proposal would be unsatisfactory.

13. Bringing matters together, whilst I note the appellant's view to the contrary, to my mind, for the reasons set out, the proposal would be significantly different from the fallback position of the approved house, and considerably more harmful than it.
14. I therefore conclude on this issue that the proposal would be harmful to the living conditions of the occupiers of 29 Normanton Spring Road having particular regard to privacy, outlook and sunlight. This would be contrary to Policy H14 of the Sheffield Unitary Development Plan which requires new buildings to be well designed and in scale with and character with neighbouring buildings (a) and not to deprive residents of light, privacy or security (c). It would also be at odds with the core planning principle of the National Planning Policy Framework to seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

#### *Other matters*

15. The Council acknowledges that the proposal would achieve the delivery of new homes and align with the aim of the Corporate Plan. Even though this is a benefit of the scheme, its contribution to the supply of housing would not be great given its limited scale for a single dwelling. As such, it would be insufficient to outweigh the harm that I have identified in relation to the main issue in this case.
16. The appellant argues that the proposed 3 storey house would present an improved contextual appearance in relation to the adjacent flats. However, whilst the merits of the approved 2 storey scheme are not before me for consideration, I see no reason why it would not sit comfortably alongside the flats in visual terms. Thus I am not persuaded that the proposed house would lead to any material improvements to the character and appearance of the area over and above the approved scheme. Consequently this factor adds no weight in favour of the appeal proposal.

#### **Conclusion**

17. For the reasons set out above, I conclude that the appeal should be dismissed.

*Elaine Worthington*

INSPECTOR