
Appeal Decision

Site visit made on 14 August 2017

by Beverley Doward BSc BTP MRTPI

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

Decision date: 29 August 2017

Appeal Ref: APP/J4423/D/17/3178255

35 Farnaby Drive, High Green, Sheffield, South Yorkshire, S35 4NY

- 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 David Curtis against the decision of Sheffield City Council.
 - The application Ref 17/00101/FUL, dated 5 January 2017, was refused by notice dated 30 March 2017.
 - The development proposed is two new bedrooms over existing garage and en-suite bathroom to existing bedroom.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was submitted by Mr David Curtis. However, the appeal has been submitted by Mrs Katy Curtis. The right of appeal is given only to the original applicant. The original applicant is the person named on the planning application form submitted to the local planning authority. In this case Mr David Curtis has authorised Mrs Katy Curtis to conduct the appeal on his behalf as the substitute appellant. Therefore, the appeal will proceed in the name of the original applicant with Mrs Katy Curtis as the substitute appellant.

Main Issue

3. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of the neighbouring property at 33 Farnaby Drive with particular regard to outlook.

Reasons

4. The appeal property is a detached house in a cul-de-sac within a residential area. It is set back from the neighbouring property at No 33 such that its front elevation is approximately in line with the rear elevation of No 33.
5. The proposed first floor extension would be sited above an existing attached garage which abuts the boundary with No 33. It would extend over the full length of the garage and would therefore present a two storey flank wall along the boundary with the neighbouring property for a distance of about 8.5 metres beyond its rear elevation. This would be contrary to Guideline 5 set out in the Council's Designing House Extensions Supplementary Planning Guidance from the Unitary Development Plan (SPG) which indicates that an extension should not project out further at two storey height than the distance from the nearest

neighbour's window to that extension in order to ensure that unreasonable overshadowing and over dominance of neighbouring dwellings are avoided.

6. On my site visit I had the opportunity to view the site of the proposed extension from the rear of No 33. I appreciate that the existing garage to the appeal property is set along the boundary with No 33. However, the flank wall of the proposed extension would be significantly taller than the existing lean to garage. Accordingly, I consider that the scale and height of the proposed extension, coupled with its proximity, would result in it being visually dominant and appearing oppressive and overbearing when viewed from both the rear windows of No 33 and its rear garden area.
7. I note the concerns raised regarding the potential for overlooking from the proposed development and whilst there would be some potential for views of the rear garden of No 33 from the first floor window of the proposed extension it would not materially increase the level of overlooking above that likely to be currently experienced from the existing first floor windows of No 35. Some degree of mutual overlooking is a common feature in residential areas and therefore I am not persuaded that the appeal proposal would result in any significant harm in this respect.
8. To conclude therefore, the appeal proposal would cause material harm to the living conditions of the occupants of the neighbouring property at No 33 with particular regard to outlook. Accordingly, it would be contrary to saved policy H14 of the Sheffield City Council Unitary Development Plan adopted 1998 which requires new extensions to be well designed and in scale and character with neighbouring buildings, indicates that the site should not be overdeveloped and overall seeks to ensure that new buildings do not lead to an unsatisfactory environment for people living in Sheffield. It would fail to comply with the guidance set out in the Council's SPG. It would also be at odds with the core planning principle of the National Planning Policy Framework which indicates that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

9. The appellant has referred to a number of other developments in the vicinity which it is contended are similar to that proposed here. I am not aware of the details of these and therefore cannot be satisfied that the circumstances are directly comparable. In any event I have determined the appeal proposal on its own merits taking into account the specific context of the site and its surroundings and having regard to the relevant development plan policy. The existence of these other developments does not serve to justify a development which I have found to be unacceptable.
10. I appreciate that the appeal proposal is intended to provide additional family living accommodation. However, the appellant's individual rights must be weighed against other factors including the wider public interest and legitimate interests of other individuals. I have found above that the proposal would cause material harm to the living conditions of the occupiers of No 33 and I am satisfied that the legitimate aim of granting planning permission in accordance with the development plan and planning policies which require buildings not to be harmful to neighbouring living conditions can only be adequately safeguarded by the refusal of permission. I consider that the dismissal of the

appeal would not have a disproportionate effect on the appellant or the appellant's family.

11. The appellant has raised concerns regarding the Council's handling of the planning application. However, this is not a matter that I can consider or comment upon as part of an appeal made under section 78 of the above Act.
12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Beverley Doward

INSPECTOR