



Appeal Decision

Site visit made on 21 November 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 8 December 2017

Appeal Ref: APP/J4423/D/17/3181211

90 Brooklands Crescent, Sheffield S10 4GG

- 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 & Mrs Poole against the decision of Sheffield City Council.
 - The application Ref 17/02082/FUL, dated 16 May 2017, was refused by notice dated 13 July 2017.
 - The development proposed is a *"first floor rear extension and single-storey side/rear extension to dwellinghouse"*.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension and single-storey side/rear extension to dwellinghouse at 90 Brooklands Crescent, Sheffield S10 4GG in accordance with the terms of the application, Ref 17/02082/FUL, dated 16 May 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: J16-020 A-100, J16-020 A-101, J16-020 A-110 rev B and J16-020 A-300 rev B.
 - 3) The proposed first floor window in the side elevation of the dwelling facing 88 Brooklands Crescent shall be fitted with obscure glazing. Details of the type of obscure glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscure glazing of the window shall be retained thereafter.

Procedural Matters

2. The description of development provided by the application form has been updated in subsequent documents. The description of development provided by the appeal form is accurate and precise in terms of the proposal before me and I adopt it accordingly.
3. The appellant's evidence refers to amended drawings that are not listed in the Council's decision notice. The Council have provided the plans upon which it made its decision (drg.nos: J16-020 A-100, J16-020 A-101, J16-020 A-110 rev B and J16-020 A-300 rev B). I have determined the appeal on that basis, as the amended plans to which the appellant refers are not before me.

Main Issue

4. The main issue is the effect upon the living conditions of occupiers of neighbouring properties, with particular regard to No 92 Brooklands Crescent and matters of outlook.

Reasons

5. The appeal site consists of a two-storey detached house within a residential area that has a mix of detached and semi-detached properties with a broad consistency of main building lines along the northern side of Brooklands Crescent. The site and its surroundings have substantial differences in slab levels with the appeal property located at a higher level than No 88, with a further increase at No 92. Land levels also slope downwards toward the rear boundary of the site. The rear elevation of No 90 has an existing two storey rear outrigger located closest to the side boundary with No 92 and a single storey extension across the remainder of the elevation with a rear projection that is less than an existing two storey rear extension at No 88. A detached garage is located beyond the rear building lines of Nos 90 and 92 in close proximity to the shared boundary, but sits below the existing boundary fencing and supplementary hedging due to the difference in land levels. A modest single storey extension at the side of No 90 prevents vehicular access to the garage. Existing parking arrangements would, therefore, be unaffected by the removal of the garage.
6. Policy H14 of the Sheffield Unitary Development Plan (UDP), adopted March 1998, states that, amongst other things, new development will be permitted provided that it would not deprive residents of light, privacy or security. The interpretation of Policy H14 is assisted by the Sheffield Designing House Extensions Supplementary Planning Guidance (SPG), July 1996. In that respect, it is common ground between the parties that the first floor rear extension as proposed would not harm the living conditions of neighbouring properties in terms of outlook, light or privacy. I have no reason to take a different view given that the first floor rear extension would be sited away from the shared boundary with No 92 at a lower site level, it would not project beyond an existing two storey extension at the rear of No 88 and there would be adequate separation distance to the properties at the rear.
7. The Council's concerns relate to the height and depth of the single storey side and rear extension due to its close proximity to the boundary with No 92. The Council have referred to Guideline 5 of the SPD which in seeking to prevent overshadowing and over dominance, limits single storey rear extensions built adjacent to another dwelling to not more than 3m beyond that other dwelling. However, the SPG is now somewhat dated and precedes changes to permitted development rights within The Town and Country Planning (General Permitted Development) (England) Order 2015 which, in certain circumstances, now permits extensions beyond the rear wall of detached properties of more considerable depth than 3m with an eaves height of up to 3m within 2 metres of the boundary without the need for planning permission. In any case, the SPG is for guidance purposes only and carries less weight than policy. It is, therefore, necessary to assess the single storey extension based upon its own merits relative to the specific circumstances of its surroundings.
8. The cumulative rear depth of the proposed single storey extension would substantially exceed the recommended depth of 3m in the SPD and when

measured from land levels in No 90 it would be considerably taller than 3m for much of its length in close proximity to the boundary. However, its maximum height would be close to 3m when measured from land levels within No 92 with only the upper segment of part of the side wall visible above the existing boundary hedge, as the furthest section would be at a lower level.

9. Having regard to the above, the single storey rear extension would be similar in height to an existing rear extension at No 92 and lower than its shared boundary treatment with No 94. Consequently, despite the considerable rear projection of the extension, its limited scale, bulk and massing visible from No 92 above the existing boundary treatment would not have a significant overbearing effect upon the nearest habitable room and its rear garden. The potential for overshadowing and loss of light would also be limited due to the restrained height of the extension when viewed from No 92 and the northern aspect of the rear elevations and gardens. The absence of windows in the side elevation facing No 92 would prevent any privacy concerns. Furthermore, the separation distance to other properties would prevent any harm in terms of outlook, light or privacy.
10. I conclude that the development would not have a harmful impact upon the living conditions of the occupiers of neighbouring properties. The proposal, therefore, would not conflict with Policy H14 of the UDP, and in the absence of harm, little weight is afforded to the conflict with the SPG. The policy is consistent with the core planning principle of the National Planning Policy Framework (the Framework) which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Conditions

11. A standard time limit condition and a plans compliance condition are required to provide certainty in terms of the planning permission granted. The Council offered no concerns relating to the character and appearance of the extensions. I have no reason to take a different view given the variety of single and two storey extensions nearby and the different palette of materials used, together with the large garden area which would remain. The materials indicated on drg.no J16-020 A-110 Rev B of white render and a contemporary finish for the single storey extension and render at first floor with roof tiles to match the existing dwelling are appropriate and would be secured by the plans compliance condition. The parapet roof design of the single storey side extension is also acceptable, given its set back position relative to the front building line of No 90.
12. The submitted plans indicate the insertion of a first floor window in the side elevation of No 90 facing No 88. To ensure no loss of privacy, a condition is necessary to ensure approval and installation of obscure glazing.

Conclusion

13. For the reasons given above, I conclude that the proposal would accord with the development plan and the Framework as a whole. Accordingly, the appeal should be allowed and planning permission granted, subject to the conditions identified.

Gareth Wildgoose

INSPECTOR