



Appeal Decision

Site visit made on 29 October 2019

by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2019

Appeal Ref: APP/J4423/D/19/3236396 200 Earl Marshal Road, Sheffield S4 8LB

- 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 Mohammed Ahmed against the decision of Sheffield City Council.
 - The application Ref 19/00132/FUL, dated 4 January 2019, was refused by notice dated 27 June 2019.
 - The development proposed is adaptations and extension to existing dwelling to accommodate family and facilitate family member with ongoing specialist care. Two storey rear extension to form ground floor bedroom, disabled access bathroom and kitchen extension, first floor additional 3 no. bedrooms, raising roof pitch to form rear dormer, basement conversion (with possible future lift provision), detached single storey children's playroom located within the rear garden.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the application process, the proposed development submitted in the original application has been amended significantly by the appellant. This was in response to concerns raised by the Council regarding the overall size of the proposal. As such, it is indicated that the two-storey element of the original proposal, the single storey detached children's play room in the garden and the basement conversion were withdrawn. As a result, the Council assessed the proposal in relation to the single storey, flat roof rear extension only and made its decision on that basis.
3. Based on the evidence before me, it is noted that the description of the development being assessed was amended to reflect the above. Accordingly, the Council provided the description set out in the delegated officer report and on the Decision Notice which reads: '*Erection of single storey rear extension to dwellinghouse (amended 27.06.19)*'. In my assessment, this revised description appropriately and adequately describes the development now proposed. As such, I have assessed and determined the appeal proposal on that basis.

Main Issue

4. Taking the above into account, the main issue is the effect of the proposed development, as described on the Council's Decision Notice, on the living conditions of neighbouring and future occupiers with regard to daylight and outlook.

Reasons

5. Policy H14 of the Sheffield Unitary Development Plan (UDP) states, amongst other things, that new development will be permitted provided that would not deprive residents of light and is well-designed. Guideline 5 of the Council's Supplementary Planning Guidance 'Designing House Extensions' (SPG) sets out that a single storey extension which is constructed adjacent to another dwelling may not extend more than three metres beyond that other dwelling.
6. From the drawings submitted, I note that the proposed single storey extension would substantially exceed this and reach a length of around 8 metres beyond the rear elevation of the adjacent dwelling at 200A Earl Marshal Road. Furthermore, given the circumstances regarding the proximity of the adjoining property, and from my observations on site, I find there to be no mitigating factors, such as separation distances or existing extensions, which would support or justify the proposal as a departure from the Council's adopted SPG.
7. It is noted that the three properties at 200, 200A and 200B Earl Marshal Road are all in the ownership of, and occupied by, members of the appellant's extended family. I have also had regard to the appellant's argument that no objections to the scheme have been made from neighbouring occupiers. Nonetheless, from what I have seen during my visit, whilst there are no boundaries discerned between these properties to the rear, they are clearly distinguishable as separate dwellings. Moreover, notwithstanding the current occupation of these dwellings, I must have regard to the fact that this may not always be the case. As such, I give no limited weight to such matters.
8. Due to the proximity of the properties at 200 and 200A, it is apparent to me that the closeness and projected extent of the proposed rear single storey extension would result in an unreasonable over-dominance in the outlook of the occupiers of 200A from the ground floor rear window. Moreover, I find that it would create a sense of enclosure which would be substantively detrimental to residential amenity, including limited the outlook for occupiers of 200A.
9. The Council states that the proposed rear extension would be overbearing and have an overshadowing affect which would adversely impact on the daylight which occupiers of 200A currently enjoy at the rear of their property. The rear garden area serving these properties is south facing. As such, I consider that the rear elevations of these properties currently enjoy a good level of natural light. Taking into account the Council's points and noting the surrounding context in and around the rear garden area, I find that given its position, the proposed single storey extension would have only a limited adverse impact on the amount of daylight currently enjoyed by the occupiers of 200A within the rear ground floor room of their property. As a result, I give this matter only limited weight in this appeal.
10. I now turn to the impact of the proposal on future occupiers of the host property. The proposed extension would result in the proposed dining room of the host property being enlarged but largely enclosed. Whilst there would be glazed patio doors serving the dining room and leading directly outside, in my assessment these would not provide an adequate or appropriate outlook for occupiers from within a large habitable room of the property. The view through the patio doors from the dining room would comprise an external wall and door which would be less than 1.5 metres away from the patio doors. As such, I find that this would have a significant detrimental impact on amenity for future occupiers and would result in a very limited outlook from a substantial living space within the dwelling.

11. Furthermore, as the proposed dining room would only be served by the patio doors, due to the proximity of the proposed extension to the south and west of those doors, I find that the amount of daylight able to reach the proposed dining room would be limited. Moreover, this adverse impact on the residential amenity of future occupiers in terms of daylight would only be exacerbated by the relatively large size of the proposed dining room as a habitable space within the dwelling.
12. Overall, I acknowledge the proposed development would provide additional living accommodation for the appellant and their family and have carefully considered the point that the scheme would likely assist in meeting the specific medical needs of the appellant. Accordingly, I have had due regard to the personal circumstances in relation to this appeal and in terms of the reasons given for seeking planning approval for the original and revised proposals. I have also taken into account that the adjacent properties at 200, 200A and 200B Earl Marshal Road are owned and occupied by members of the appellant's extended family. Moreover, the appellant has willingly sought to amend the original proposal in effort to reduce its impact and ensure that the revised scheme before me would be acceptable.
13. However, having carefully considered all matters raised, including the appellant's personal circumstances, for which I give moderate weight, I find that when assessed individually and cumulatively, such matters in support of the proposal would not outweigh the significant harm to residential amenity that would result from the proposed scheme. Moreover, based on the evidence before me, I am satisfied that no substantive mitigation in this case, whether secured by condition or any other means, could be provided that would sufficiently overcome the significant harm identified or would justify the approval of the proposed scheme.
14. Consequently, I conclude that the development, as now proposed, would have a significant adverse impact on the living conditions of neighbouring and future occupiers with regard to loss of daylight and outlook. Therefore, it would be contrary to Policy H14 of the UDP and Guideline 5 of the SPG. Amongst other matters, this policy and guidance seeks to ensure that development has no substantive or material adverse effect on residential amenity, including daylight.

Conclusion

15. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A McCormack

INSPECTOR