
Appeal Decision

Site visit made on 26 November 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2019

Appeal Ref: APP/J4423/D/19/3236397
113 Firth Park Road, Sheffield S5 6WU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Karamat Hussain against the decision of Sheffield City Council.
 - The application Ref 19/02527/HPN, dated 09 July 2019, was refused by notice dated 14 August 2019.
 - The development proposed is rear single storey extension (6 meters).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) require the local planning authority, where any adjoining owner or occupier objects to the proposed development, to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises. My determination of this appeal has been made on the same basis.

Main Issue

3. The main issue is therefore the effect of the proposed extension on the amenity of the adjoining premises, Nos 111 and 115 Firth Park Road.

Reasons

4. No 113 is a semi-detached property that, in common with the immediately neighbouring properties, has not previously been extended. Approval is sought for a full width single storey extension which would project 6m from the rear elevation. It would be constructed partly below ground level, resulting in a maximum height of 2.7m.
5. The GPDO states that an extension which projects beyond the rear wall of the dwellinghouse by between 3m and 6m is permitted development, subject to none of the adjoining owners or occupiers objecting to the proposal.
6. The Council received an objection from the occupiers of No 111, primarily in respect of overshadowing and loss of light. Although closely spaced, Nos 111

and 113 are not immediately adjoining and the proposed extension would therefore be set back from the shared boundary. However, as a result of the change in ground levels, No 113 is in an elevated position relative to No 111. Notwithstanding that the extension would be built partly below the level of the raised garden, it would nevertheless represent a significant increase in the height and bulk of built development in close proximity to the rear of No 111.

7. The shared boundary between Nos 111 and 113 is not formed from a tall fence. However, the submitted plans illustrate that the extension would not be significantly taller than a 2m fence located at the level of the garden of No 113. Nevertheless, given its elevated position relative to No 111, by virtue of its additional height and extensive length, the proposal would be a visually obtrusive and overbearing form of development when viewed from the rear of No 111. The adverse effect on the occupiers of No 111 would be exacerbated by the relatively narrow width of the garden of No 111.
8. Where any owner or occupier of any adjoining property objects to the proposal, the GPDO requires the Council to consider the impact of the proposed development on the amenity of any adjoining premises. Therefore, although the occupiers of No 115 did not object to the proposal, the Council nevertheless considers that the extension would result in adverse effects on their residential amenity.
9. The proposed extension would be sited immediately on the shared boundary with No 115. The 2 properties are constructed at the same ground level and No 115 retains its original rear elevation. Therefore, the proposal would be visible for the whole of its length above the boundary fence. While it would not be significantly taller than the boundary treatment, it would be visually obtrusive by virtue of its height, length and proximity. Moreover, given the orientation of the properties, and the narrow width of the gardens, it would also result in a small reduction in light levels and sunlight to the rear of No 115, particularly later in the day. Therefore, it would harm the amenity of the occupiers of No 115.

Conclusion

10. For the reasons set out above, I conclude that the proposed development would harm the amenity of the occupiers of the adjoining premises. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR