



Appeal Decision

Site visit made on 21 July 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2020

Appeal Ref: APP/J4423/W/20/3250029

Garage Site at Rear of 23 to 31 Hanson Road, Loxley, Sheffield S6 6RF

- 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 William Foreman against the decision of Sheffield City Council.
 - The application Ref 20/00379/FUL, dated 2 February 2020, was refused by notice dated 24 March 2020.
 - The development proposed is use of detached garage as a dwellinghouse (Use Class C3) with associated alterations including replacement and additional windows and doors, and provision of 4 rooflights.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development was changed from the original wording of the application with the agreement of both parties. I am therefore satisfied that neither party has been prejudiced by the change.

Main Issues

3. The main issues in this case are the effect of the development on the character and appearance of the area and the living conditions of new and existing residents with specific regard to overlooking.

Reasons

Character and appearance

4. The appeal site is located within a residential area and includes a single storey double garage, which would be converted into a dwelling. There is an area of hardstanding to the front of the proposal which would provide parking for two vehicles, and an area at the rear that would facilitate private amenity space.
5. The front elevation would be amended to provide an entrance door and two windows, whilst the rear elevation would have bi-fold doors inserted to allow access to the rear yard. Rooflights would be inserted to allow natural light.
6. The appeal site is located to the rear of a number of terraced and semi-detached properties on Hanson Road. It is located opposite semi-detached dwellings and adjacent to a number of more recently built larger detached dwellings. The site is slightly elevated above the rear of the Hanson Road properties.

7. In my opinion, the context of this proposal would introduce a dwelling into the edge of the rear garden environment of the Hanson Road dwellings, boundary treatments aside, and as a result, I find that the single storey nature of the proposal would be at odds with the prevailing pattern of development in this residential area, even with the mix of dwelling types in the locality. The use of the garage as a dwelling would fragment and disrupt this pattern, compromising the linear pattern of development and would be detrimental to the character and appearance of the locality.
8. As a result, I find that the proposal is contrary to Policy H14 of the Sheffield UDP (1998) (the LP), Policy CS74 of the Core Strategy (2009) (the CS) and the guidance set out in Paragraph 127 of the National Planning Policy Framework (the Framework), which collectively, amongst other matters, expect development to take into account of the townscape character of the City's districts, should be in scale and character with neighbouring buildings and maintain a strong sense of place.
9. I note the appellant's reference to the age of the Local Plan and Core Strategy in seeking to justify the appropriateness of the proposal and demonstrate the conflict between the LP policies and the Framework. Significant weight can still be placed upon those policies and as such any justification of the proposal cannot outweigh the significant harm to the character and appearance of the surrounding area identified above.

Effect on living conditions

10. The rear gardens of the Hanson Road properties adjoin the side boundary of the appeal site. I find that the distance between the rear elevations of the Hanson Road properties and the appeal building would be sufficient so as not cause material harm to the living conditions of the occupiers of the Hanson Road properties in terms of overbearing impact from the appeal proposal.
11. However, I find that the proximity of the appeal building to the private amenity areas of the Hanson Road properties would be harmful to the living conditions of those residents as the private garden areas would be significantly overlooked by the new residents, due to the proximity of the rear yard area of the proposed dwelling. Given the size of the proposed dwelling, this yard area would undoubtedly be heavily used and given the difference in site levels from the proposal to the existing Hanson Road private amenity areas, it would allow the perception of overlooking of those private amenity areas, even if the impact could be mitigated by building up some of the boundary treatment and such works would harm the outlook of the Hanson Road properties when seen from their garden areas.
12. Also, the private amenity area of the proposed dwelling would be overlooked from the first floor of many of the Hanson Road properties, and would lead to significant harm to the new residents of the appeal proposal, due to the loss of privacy, which would be compounded by the small private amenity space available, leading to a situation where that amenity space would be overlooked from several dwellings.
13. For the above reasons, the proposal would result in both harm to the living conditions of the occupiers of the adjoining properties on Hanson Road in terms of the impact of the overlooking on their rear gardens, and also the overlooking of the private amenity space of the proposed dwelling from the first floor of the

Hanson Road properties. The proposal would therefore fail to comply with Policy H14 of the LP, Policy CS26 of the CS and Paragraph 127 of the Framework which amongst other matters expect development not to deprive residents of privacy and have a high standard of amenity for new and future users.

Other Matters

14. I have noted the appellant's desire to get on the first rung of home ownership, but I find that the significant harm that I have identified clearly outweighs any social benefits from the additional of one dwelling to meet the needs of the appellant.
15. There is reference to the benefit if CIL to the Council, but again, the small financial benefits of the scheme are far outweighed by the significant harm that I have identified.
16. Security benefits are forwarded by the presence of residents on the site, but again this is far outweighed by the significant harm that I have identified.

Planning Balance

17. It is not clear from the evidence before me whether or not the Council is able to demonstrate a five-year housing supply. In these circumstances it is appropriate for me to assess the proposal having regard to Paragraph 11 of the Framework. In this case I am satisfied that the policies on which the Council relied are consistent with the aims of the Framework. Consequently, any conflict with them carries full weight in my assessment.
18. I accept that the proposal would provide a modest social benefit arising from the added supply of housing in a location which has access to public transport and other services.
19. However, I have identified that there would be significant harm to the character and appearance of the area as well as the living conditions to existing and future residents and the social benefits would be reduced as a consequence, harm to the living conditions of existing residents and future occupants. As a result, even if the Council was unable to demonstrate a five-year housing land supply, the adverse impacts associated with the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The presumption in favour of sustainable development therefore does not apply in this case.

Conclusion

20. For the above reasons, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR