



Appeal Decision

Site visit made on 4 August 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th September 2020

Appeal Ref: APP/J4423/D/20/3247294 56 Lees Hall Avenue, Sheffield S8 9JF

- 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 S Young against the decision of Sheffield City Council.
 - The application Ref 19/04264/FUL, dated 25 November 2020, was refused by notice dated 14 February 2020.
 - The development proposed is described as 'Demolition of detached garage and former car port, alterations to roof including erection of rear dormer window with Juliet balcony, solar panels to rear and rooflights to front, erection of two-storey side extension and single-storey rear extension to dwellinghouse'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In the banner heading above I have used the description of development from the appeal form and Council's decision notice. The description on the planning application form did not include a reference to the proposed solar panels, although these were included in the plans submitted with the application.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area; and,
 - the living conditions of the occupiers of the neighbouring property at 54 Lees Hall Avenue, with particular regard to light and outlook.

Reasons

Character and appearance

4. The appeal site is a two storey mid-twentieth century semi-detached house. It is faced in red brick, with a double-height curved front bay, and has a hipped slate roof. There is a single detached garage in the rear garden. The surrounding area is predominantly residential, and the houses on Lees Hall Avenue are overwhelmingly similar in style to the appeal property. The houses are generally modest in size and the gaps between adjacent pairs are relatively narrow. Because of the gentle curve of Lees Hall Avenue and the slope of the land which runs down from west to east and south to north, the houses are not

in perfect alignment either with the street or with each other. Nevertheless, the general consistency of design and the arrangement of the frontages on the give the street an orderly and pleasant appearance, while the tree lined street verge and openness afforded by the allotments on the north side of the road contribute to a spacious character.

5. The proposal is to erect a two-storey side extension, which would infill the passage at the side of No 56 up to the boundary with No 54. At the rear a single storey extension would replace both an existing extension and the freestanding garage. The two-storey extension would have a gable roof, and the expanded roof space of the dwelling would accommodate an additional bedroom with a Juliet balcony in a large dormer on the rear roof slope.
6. The proposed side extension would break the existing rhythm of frontages along the street, and the gable roof would result in the appeal property becoming unbalanced in appearance and at odds with its 'twin' at No 58 and the street as a whole. It would therefore appear incongruous within the setting of Lees Hall Avenue. By significantly narrowing the gap between the appeal property and No 54 without being setback from the front elevation, the side extension would be likely to lead to an increased visual terracing effect, which in my experience can occur regardless of whether adjoining dwellings are physically connected or not, and regardless of the changing ground levels along the street. This would begin to reduce the spacious character of the Lees Hall Avenue. Overall therefore, I consider that the proposed side extension would dominate the host building and the surrounding part of the street, to the detriment of the area's orderly and spacious character.
7. The appellant has drawn my attention to several examples in the wider surrounding area where side extensions with gables have been added to dwellings which are broadly similar in style to the appeal property. I do not know the precise circumstances in which all of the examples have come into being. However, that at 35 Hollythorpe Road, the example closest to the appeal site, is angled on a corner plot, and so has a very different relationship with its surroundings. The Council's officer report in respect of 80 Thorpe House Rise, which is considerably further from the appeal site, acknowledges that 'although the hip-to-gable is regrettable' there are several nearby houses with gable extensions so they are effectively therefore a part of the established character of the area around that house. That is not the situation in the current appeal, and none of the examples cited contributes to the character of either Lees Hall Avenue in general or the appeal site in particular.
8. A hip-to-gable roof conversion and rear dormer may be permitted development in certain circumstances under the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended). However, a two-storey side extension built up to the property boundary would not be permitted development. I consider that any alternative scheme which could be built as permitted development would be less substantial, and therefore less harmful to the character and appearance of the area, than the proposal now before me.
9. Guidelines 1 and 2 of the Council's *Designing House Extensions* Supplementary Planning Guidance (the SPG) seek to ensure that extensions respect the character and appearance of the original dwelling and its setting. While the SPG may be 25 or more years old, its advice is not incompatible with the

requirements of the National Planning Policy Framework in respect of achieving well-designed places, not least because as guidance the SPG leaves room for a suitable degree of variety where this would be justified. However, for the reasons I have set out above, the broad consistency of style and design on Lees Hall Avenue contributes strongly to the distinctiveness of the area, and in my view therefore a departure from the prevailing built form as proposed would be detrimental to the overall quality of the area.

10. The appellant has suggested that the 1998 Sheffield Unitary Development Plan (the UDP) is significantly out of date, and its policies should not be relied upon for decision making. Paragraph 213 of the Framework indicates that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. No substantive evidence is before me which indicates that the policies relevant to this appeal are incompatible with the Framework, and accordingly I give them full weight in my decision.
11. I conclude that the development would be harmful to the character and appearance of the area. It would therefore conflict with saved Policies BE5 and H14 of the UDP and Policy CS74 of the 2009 Sheffield Core Strategy (the SCS), which together seek to ensure that development is well-designed and in character with scale, layout built form and building styles of their surrounding area. For the same reason, the proposal fails to comply with the requirements of paragraph 127 of the Framework in respect of achieving well-designed places which are sympathetic to local character.

Living conditions

12. At the rear of the appeal property, the single storey element of the extension would occupy approximately the same footprint as the existing rear extension and the existing detached garage, as well as infilling the space between the existing structures. This would result in the introduction of a solid wall along the boundary between the appeal property and No 54 which from the evidence before me would be somewhat higher than the side of the existing garage.
13. There would therefore be some increase in overshadowing of the rear garden of No 54 arising from the development. However, because of the slope of the land No 54 is at a higher level than the appeal property, and furthermore there is a thick hedge on No 54's side of the boundary. Because of this, and the broadly south-facing aspect of the two properties, I consider that the impact of the rear extension would be limited, and the increased overshadowing would not be significantly harmful to living conditions for the occupiers. For the same reasons, although the rear extension would be longer than the 3m limit set out in Guideline 5 of the SPG, I do not consider that it would be detrimental to outlook for the occupiers of No 54.
14. The two-storey side extension would lead to some overshadowing of and loss of outlook from the windows in the side elevation of No 54. However, these serve a hallway, landing and dining kitchen. Neither the hallway nor landing are habitable rooms and, while in my experience it is usual to treat a dining kitchen as such, I understand that the room as a whole is also served by a larger, south facing window in the kitchen part of the room. Accordingly, although there would be some loss of light and outlook to the side window, in these circumstances I do not consider that the proposed extension would result in unacceptable harm in this regard.

15. The Council did not indicate any concern about the impact of the proposed development on neighbour's living conditions in respect of privacy or overlooking either at No 54 or any of the other surrounding dwellings. None of the evidence before me or what I observed at the time of my site visit leads me to a different conclusion.
16. I find that the proposed extension would not cause significant harm to the living conditions of the occupiers of the neighbouring property at 54 Lees Hall Avenue. I therefore conclude that, notwithstanding the limited conflict with the advice of the SPG, the development would comply with saved Policies BE5 and H14 of the UDP and Policy CS74 of the SCS, which together seek to ensure that development is well-designed in respect of meeting the needs of all users and does not lead to unsatisfactory living conditions. For the same reason, the proposal fails to comply with the requirements of paragraph 127 of the Framework in respect of providing a high standard of amenity for existing and future users.

Other matters

17. The appellant has referred to the proposal to install photo-voltaic solar panels on the extended south-facing roof slope, as well as other measures such as reclaiming rainwater and increasing insulation which would improve the environmental sustainability of the appeal property. In the light of the development plan's ambitions to regenerate Sheffield and for development to contribute to sustainable environments, this is an additional factor which carries modest weight in favour of the proposal. However, it does not outweigh the significant harm to the character and appearance of the area which I have found.

Conclusion

18. The proposed development would not be harmful to living conditions for neighbouring occupiers. However, it would be harmful to the character and appearance of the area, and consequently as a whole the development is not acceptable.
19. The appeal is therefore dismissed.

M Cryan

Inspector