
Appeal Decision

Site visit made on 27 August 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2020

Appeal Ref: APP/J4423/D/20/3254853

13 Rupert Road, Sheffield, South Yorkshire S7 1RN

- 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 Khadam Hussain against the decision of Sheffield City Council.
 - The application Ref 20/00292/FUL, dated 10 January 2020, was refused by notice dated 20 March 2020.
 - The development proposed is a pitched roof to detached garage and erection of single storey rear extension.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of a single storey rear extension. The appeal is allowed insofar as it relates to the pitched roof to detached garage and planning permission is granted for said pitched roof at 13 Rupert Road, Sheffield, South Yorkshire S7 1RN in accordance with the relevant terms of the application, Ref 20/00292/FUL, dated 10 January 2020, subject to the following condition:
 - 1) Within 3 months of the date of this decision, the rear elevation of the garage shall be rendered to match the remainder of the building and this treatment shall be retained as such at all times thereafter.

Procedural Matter

2. The part of the development comprising the pitched roof to the detached garage has been undertaken. I am therefore considering this element of the appeal retrospectively.

Main Issue

3. The main issue is the effect of the development and the proposed development on the living conditions of occupants of surrounding residential properties with regard to outlook and light.

Reasons

4. The appeal property is a two-storey semi-detached dwelling. It is located in a predominantly residential area and is within the Nether Edge Conservation Area.
5. The detached garage onto which the pitched roof has been constructed, is located to the rear of the property and abuts the boundary of properties to the

- rear and each side. The extension to the dwelling would project from an existing two-storey off-shoot that is replicated at the adjoining dwelling and would replace an existing brick single storey outbuilding, that is also replicated on the adjoining dwelling.
6. The roof that has been constructed on the detached garage has resulted in an increase in its overall height. This is most apparent at the ridge level, then, due to the sloping nature of the roof, the additional height decreases as it reaches the eaves on either side. I consider that the increase in height of the roof, combined with the position of habitable room windows to properties to the rear of the site, does not result in an unacceptable impact on the outlook from these properties. The treatment of the rear elevation, which overlooks the properties to the rear, in render to match that used elsewhere in the building, will alleviate the impact of the building. The treatment of this elevation can be secured by condition.
 7. The proposed single storey rear extension would run along the common boundary with the adjoining semi-detached property. Due to its siting, length and height, it would have an overbearing impact in relation to the outlook from the adjoining property and result in a loss of light. It would be significantly greater in height than the existing boundary wall and would appear dominant and oppressive.
 8. I therefore conclude that the proposal insofar as it relates to the pitched roof to the detached garage does not cause unacceptable harm to the living conditions of occupants of surrounding residential properties with regard to outlook. This element of the proposal complies with Policies BE5 and H14 of the Sheffield Unitary Development Plan (UDP) (1998) and Policy CS74 of the Sheffield Core Strategy (CS) (2009) which require, amongst other things, that new buildings and extensions are well designed and would be in scale and character with neighbouring buildings, and not deprive residents of light.
 9. This element of the proposal would also comply with the Supplementary Planning Guidance (SPG) on Designing House Extensions which outlines that unreasonable overshadowing and over dominance of neighbouring dwellings should be avoided.
 10. This element of the proposal would also comply with paragraph 127 of the National Planning Policy Framework (the Framework) (2019) that outlines, amongst other things, that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
 11. I also conclude that the proposal insofar as it relates to the erection of a single storey rear extension would cause significant harm to the living conditions of occupants of the adjoining residential property with regard to outlook and light. This element of the proposal would be contrary to Policies BE5 and H14 of the UDP and Policy CS74 of the CS which require, amongst other things, that new buildings and extensions are well designed and would be in scale and character with neighbouring buildings, and not deprive residents of light.
 12. This element of the proposal would also be contrary to the SPG which outlines that unreasonable overshadowing and over dominance of neighbouring dwellings should be avoided.

13. This element of the proposal would be contrary to paragraph 127 of the Framework that outlines, amongst other things, that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
14. The Council's reasons for refusal refer to Policies BE17 and BE18 of the UDP. These policies are principally in relation to heritage considerations and I do not consider that they are pertinent to the main issue relating to living conditions.

Other Matters

15. The appellant outlines that permitted development rights allow for extensions of up to 6 metres to semi-detached properties. Such permitted development rights do not apply to properties, such as the appeal property, which are located within Conservation Areas. Regardless, permitted development rights that allow for extensions of up to 6 metres are subject to a separate prior approval procedure. I therefore give this argument little weight.
16. I have been made aware of the health circumstances put forward. On the evidence that is before me, I do not doubt that the proposal would be of benefit to the appellant and their family. These are nevertheless personal circumstances which when considered against the view outlined in the Planning Practice Guidance (PPG) that planning is concerned with land use in the public interest, they constitute a small benefit in favour of the proposal.
17. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
18. In respect of the above, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of avoiding harm to living conditions. Therefore, whilst I acknowledge the personal circumstances of the appellant and their family, I conclude that they constitute a small benefit in favour of the proposal and does not outweigh the significant harm I have identified would be caused to living conditions.
19. Objection was received on the basis that the garage roof blocks out sunlight. Due to the siting and orientation of the garage relative to surrounding properties, I consider that there would be minimal loss of sunlight as a result of the development.
20. Although reference is made to other rear extensions in the area, which I observed on my site visit, the Council have commented that only two of those in the immediate area benefit from planning consent. It is outlined that one of these is 1m shorter than the appeal proposal and the other was constructed under the prior approval procedure. Like the Council, for these reasons, I do not find them directly comparable with the appeal proposal, which I have determined on its own individual merits.
21. Reference is made to part of the development being carried out on land that is not within the appellants ownership. Ownership issues are a private matter between the relevant parties and not within my jurisdiction. Allowing the

appeal, or in this instance part of the appeal, would not override any legal rights in relation to land ownership.

Condition

22. I have imposed a condition requiring that, within 3 months of the decision, the rear elevation of the garage shall be rendered to match the remainder of the building and this treatment shall be retained as such at all times. This is in the interests of living conditions and character and appearance.
23. As the element of the appeal which I have allowed has been undertaken, it is not necessary to impose conditions requiring that the development be undertaken within 3 years or that it is carried out in accordance with the approved plans.

Conclusion

24. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed insofar as it relates to the erection of a single storey rear extension, but allowed insofar as it relates to the pitched roof to the detached garage.

A M Nilsson

INSPECTOR