
Appeal Decision

Site visit made on 19 November 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2020

Appeal Ref: APP/J4423/D/20/3256520
69 Oldfield Road, Sheffield S6 6DS

- 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 B Spye against the decision of Sheffield City Council.
 - The application Ref 20/00185/FUL, dated 17 January 2020, was refused by notice dated 16 June 2020.
 - The development proposed is erection of first floor conservatory with undercroft storage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has been undertaken and therefore I am considering this appeal retrospectively.

Main Issue

3. The main issue is the effect of the development on the living conditions of occupants of 67 Oldfield Road with regard to privacy.

Reasons

4. The appeal property is a two-storey semi-detached dwelling. It has a long garden with a downward slope. The angled boundary results in the garden of 67 Oldfield Road cutting across the direct line of sight from the appeal property.
5. Owing to the landform of the appeal property the conservatory sits in an elevated and highly prominent position. It is raised well-above the boundary treatment with the neighbouring property. The result is that commanding views are experienced from the conservatory, including directly into the garden of 67 Oldfield Road. I find that given the use of full-length glazing on the rear elevation, including the creation of a Juliet-style balcony, when combined with the elevated siting of the conservatory and the splayed garden boundary, such a degree of overlooking causes harm.
6. I acknowledge that views over the rear garden would likely have been possible from the previous window prior to the development being undertaken, and from the existing windows in the upper floors of the property. Although I do not have details of the previous window, those that are existing are to rooms

where the windows are positioned at a higher level where overlooking mainly occurs when one is close to the window itself. This is unlike the appeal development where, due to the elevated position, the full-length glazing and the angle of the gardens, views are possible over the neighbouring property from a seated position from further back within the conservatory.

7. Although the obscure glazing to the side elevation as shown on the submitted plans had not been installed at the time of my visit, it could be secured by a suitably worded planning condition were the appeal to be allowed, in order to prevent overlooking into the adjoining property. The appellant has outlined that they would be willing to install a 1m high fence on the flat roof of the undercroft. I do not have specific details before me to consider in terms of the design and siting of such an installation, which would have the potential to significantly alter the appearance of the development from that which is before me. I therefore find that in this case it would not be appropriate to condition this requirement.
8. I am referred to other existing rear extensions in the immediate area that occupy an elevated position similar to the appeal development. I observed these on my site visit. The Council, however, comment that these do not benefit from planning permission. The examples are also different developments in different positions. They therefore have limited weight in the appeal, which I have, in any event, determined on its own individual planning merits.
9. I have considered the planning history. The previous refused application and the requirements of the enforcement notice are either for, or would result in, developments that are different to the development before me. Therefore, they are not directly comparable and have little weight in the appeal.
10. The appellant refers to the content of the Council's Supplementary Planning Document (SPD) on Designing House Extensions which states that 'it is important to maintain the privacy of rear garden areas particularly near the house'. Although this suggests that the privacy of a rear garden where it is closest to the dwelling is the most important, it does not suggest that privacy elsewhere is not important. It is arguable that in this instance, the physical presence of the development, although not in dispute, results in other parts of the garden that have a more open aspect, take on greater significance than prior to the development being undertaken.
11. I therefore conclude that the development has a harmful effect on the living conditions of the occupants of 67 Oldfield Road with regard to privacy. It is therefore contrary to Policy H14 of the Sheffield Unitary Development Plan (1998) which requires, amongst other things, that new development should not deprive residents of privacy.
12. The development also conflicts with Chapter 12 of the National Planning Policy Framework (the Framework) (2019) that outlines, amongst other things, that development should achieve a high standard of amenity for existing users.
13. The development is also contrary to guidance contained in the SPD which outlines that extensions should protect and maintain minimum levels of privacy and that new windows or rear balconies giving wide views over neighbouring gardens or creating other privacy problems will not be permitted.

Conclusion

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

A M Nilsson

INSPECTOR