



Appeal Decision

Site Visit made on 15 February 2021

by Robert Walker BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2021

Appeal Ref: APP/J4423/D/20/3264292

483 Loxley Road, Loxley, Sheffield S6 6RP

- 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 Ms Clare Dhillon against the decision of Sheffield City Council.
 - The application Ref 20/01465/FUL, dated 1 May 2020, was refused by notice dated 12 November 2020.
 - The development proposed is the erection of rear dormer extension and provision of rear balconies at first and third floor levels of dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of the development has not changed. However, the wording from the Council's decision notice has been entered rather than that from the application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the Council's decision notice rather than the longer wording given on the application form.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of No 481 Loxley Road (No 481) and No 485 Loxley Road (No 485) with particular reference to privacy.

Reasons

4. No 485 is orientated with windows facing toward the appeal property, albeit at a reasonable distance, and with its garden and an access drive in between. Due to the change in ground level, uninterrupted views from the garden of the appeal property to these windows are possible. In this regard and given the height of the first floor balcony in relation to No 485, there would be no significant intensification of overlooking from the first floor balcony to the bedroom windows.
5. However, due to its elevated nature, the third floor balcony would be prominent from the upper floor windows of No 485. Even taking into account the distance and reflective qualities of the glass, the intensity of use of such an elevated external area with uninterrupted views, would give rise to an unacceptable loss of privacy.

6. Both proposed balconies would be near the boundary of No 481 and would allow views into its rear garden. Moreover, although there is an access drive in between, both balconies would have views into the garden of No 485.
7. The appeal property has a glazed balustrade at the first floor already and some views are possible from this and other windows. However, the size and intensity of use of the proposed external areas and thus, the level of overlooking, would be significantly greater due to the more useable area.
8. To conclude, the elevated nature, size and position of the proposed balconies, and the extent of views from them, would result in unacceptable harm to the living conditions of the occupiers of No 481 and No 485 with particular reference to privacy.
9. The proposal would therefore conflict with the requirements of Guideline 6 of the Council's Designing House Extensions Supplementary Planning Guidance, Policy H14 of the Sheffield Unitary Development Plan (1998) and paragraph 127 of the National Planning Policy Framework. These stipulate, amongst other things, that new development will be permitted provided that it would not deprive residents of privacy.
10. Although the occupiers of No 481 have not submitted any representations regarding the proposal, it is the function of the planning system to secure good living conditions for existing and future occupants of buildings. In this regard, the absence of objections does not outweigh my concerns.
11. Concerns regarding the processing of the application, including whether or not a compromise design could have been achieved through better communication between the main parties, are not issues that I can assess as part of this appeal. I must determine the appeal based on the merits of the scheme before me.
12. I have taken account of all the other matters raised. However, none changes the balance of these findings and the harm I have identified. I therefore conclude that the appeal should be dismissed.

Robert Walker

INSPECTOR