



## Appeal Decision

Site Visit made on 2 June 2021

**by Paul Martinson BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 June 2021**

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**Appeal Ref: APP/R1038/W/21/3270294**

**279 Sheffield Road, Killamarsh S21 1DX**

- 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 Jack McGuinness against the decision of North East Derbyshire District Council.
  - The application Ref 20/01027/FL, dated 21 October 2020, was refused by notice dated 16 December 2020.
  - The development proposed is described as change of use from out building to a 1no. bed disabled dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are whether the proposed development would provide acceptable living conditions for future occupants, with regard to the provision of internal space and private amenity space, and the effect of the proposal on the living conditions of occupiers of the host dwelling, with regard to private amenity space.

### Reasons

#### *Living Conditions of Future Occupants*

3. No 279 is an end of terrace dwelling located adjacent to the junction of Netherthorpe Lane with Sheffield Road. The dwelling forms part of a line of properties of varying ages and styles along this side of the road. The dwellings have similar sized rear gardens, which tend to be enclosed by a high timber fence with pedestrian access to the rear. On the site visit, my impression was of reasonably private gardens that were appropriate in scale to the dwellings that they served.
4. The appeal site is a small single storey outbuilding that has been constructed in the rear garden. It occupies much of the rear garden of No 279 with the remainder of this limited to a small area of grass that is enclosed by a high fence and an open area immediately adjacent to the rear elevation. The area between the building and Netherthorpe Lane is hardsurfaced.
5. Conversion of the building to a dwelling would result in the provision of accommodation consisting of a combined kitchen and living area with a separate bedroom and bathroom. A single parking space would be accommodated on the existing area of hardsurfacing which would remain. Two windows would be installed which would face onto the parking space and a small strip of land between the edge of the building and the road.

6. Being provided within the existing outbuilding, the accommodation created would be extremely confined. Based on my site visit and the evidence before me, in my view, it would not provide sufficient space to satisfactorily meet the day to day needs of its occupants and would create a cramped environment, even if, as the appellant advises, it were to be occupied by a single person. Accordingly, I find that the proposal would provide unsatisfactory living conditions for future occupiers of this dwelling. Whilst the appellant advises that the unit could house a disabled or elderly person and has included the turning space of a wheelchair on the plans, this turning circle is very tight in almost all areas of the proposed dwelling. As such, this reinforces my above conclusion.
7. The proposed outdoor amenity space to serve the dwelling, in addition to the proposed car parking space, would be limited to an extremely small strip between the projecting wing of the front elevation and the edge of the road. Given this position, it would be unlikely to be private and, being sited by the road edge, it would be reasonably low quality and likely to give the development an oppressive feel. Whilst the proposed dwelling is small, the proposed amenity space, being significantly lower than nearby dwellings including No 279, would not be reflective of the prevailing levels of amenity space in the area and would not provide acceptable living conditions for future occupants of the proposed dwelling.
8. The Council's planning guidance document, *Successful Places: A Guide to Sustainable Housing Layout and Design 2013* ('the SPD') is relevant to the proposal. The guidance advises that all schemes should provide a level of outdoor amenity space that is proportionate to the type of accommodation, appropriate to its location and suitable to meet the occupier's likely requirements. For a one bedroom dwelling the document advises that a minimum of 50 square metres of outdoor space is provided. The small strip that would be provided would be significantly below that figure which serves to reinforce my above conclusion.
9. Accordingly, I conclude that the proposal would fail to provide adequate living conditions for future occupiers of the proposed dwelling with regard to the provision of internal space and amenity space. The proposal would be contrary to saved Policy H12 of the North East Derbyshire Local Plan ('the Local Plan') and the provisions of paragraph 127 of the National Planning Policy Framework ('the Framework') which, in summary and amongst other things, seek to provide high standards of design for existing and future occupants with regard to living conditions.

*Living Conditions of the Occupants of 279 Sheffield Road*

10. The proposal would result in the loss of a large portion of outside space at No 279 and loss of an outbuilding serving that property. The area of amenity space that would be retained is small and shaded by the presence of the existing outbuilding, and in my view would be sub-standard for a dwelling of this scale and well below the prevailing levels of amenity space in the area. This would be likely to result in significant harm to the living conditions of occupiers of No 279. Whilst I have had regard to the list of areas of nearby open space provided by the appellant, their presence does not justify the provision of significantly reduced levels of private amenity space at No 279.

11. Furthermore, the retained amenity space would fall short of the minimum standards set out in the SPD. Whilst the appellant advises that this has already been lost through construction of the outbuilding, my understanding on the basis of the evidence before me, is that the appeal site, inclusive of the proposed parking space and the outbuilding itself, form part of the existing amenity space at No 279.
12. I find therefore that the proposal would have a significantly harmful effect on the living conditions of the occupiers of No 279 with regard to amenity space. As such, it would be contrary to saved Policy H12 of the Local Plan, which seeks to ensure that new housing development does not adversely affect the amenity of existing residents and provides adequate standards of privacy and outlook. It would also be contrary to the guidance set out in the SPD. Furthermore, it would fail to accord with paragraph 127 of the Framework, which seeks to provide high standards of amenity for existing and future users with regard to living conditions.

### **Other Matters**

13. The appellant argues that the proposal would provide one bedroom accommodation that would be suitable for occupation by an elderly or disabled person, a form of accommodation that is not well provided for in the area. Whilst I have not been provided with any evidence in support of this, this modest benefit would not outweigh the harm caused by the unacceptable living conditions likely to be experienced by future occupiers of the proposed dwelling and the occupiers of No 279.
14. The appellant has referred to a previous approval on the opposite side of Sheffield Road that was designed for a disabled person and was provided with no amenity space. I have not been provided with the details of this approval or the circumstances that led to this being approved and therefore I cannot be sure that this represents a direct parallel with the appeal scheme. Nonetheless I have assessed the appeal on its own merits.

### **Conclusion**

15. For the reasons given, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

*Paul Martinson*

INSPECTOR