



Appeal Decision

Site visit made on 21 December 2021

by C. Megginson

an Inspector appointed by the Secretary of State

Decision date: 18th January 2022

Appeal Ref: APP/J4423/W/21/3281702

170 Fife Street, Sheffield, S9 1NR

- 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 Paul Sergeant against the decision of Sheffield City Council.
 - The application Ref 21/01904/FUL, dated 21 April 2021, was refused by notice dated 23 August 2021.
 - The development proposed is change of use from single dwelling into 2 apartments
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Decision

1. The appeal is dismissed

Main Issue

2. The main issue is whether the proposed development would provide appropriate living conditions for the future occupier of flat 2, with regard to the provision of private amenity space.

Reasons

3. The appeal site is a semi-detached dwelling within a street of similar semi-detached properties, with front gardens largely taken over by driveways surrounded by low front walls and hedges. The proposal incorporates the conversion of the dwelling into two flats, each with two bedrooms. The existing single driveway is proposed to be widened to accommodate two parking spaces.
4. Outdoor amenity space is available using the existing garden area to the rear. The appellant has proposed to segregate this garden to provide separate amenity space for each flat. However, there is no direct access possible for the residents of flat 2 (the upper flat) owing to there being no side access to the rear of the site. The appellant states that there is access from the public open space to the rear. However, from my site visit I observed that the occupiers of the flat would have to travel some distance to reach it. For this reason, I consider that the proposed provision of amenity space in the rear garden is not appropriate for the future occupiers of flat 2.
5. The proposed development also includes a proposed area of approximately 12.5 square metres to the front of the property for the use of flat 2. This space is directly outside a proposed bedroom for the downstairs flat 1 and whilst the appellant has stated that the space is approximately 1.5m below the windowsill height, views into and out of that window would result in a loss of privacy. The location to the front of the house is problematic in visual terms and would not provide privacy to users, particularly as the space is squeezed alongside the

proposed car parking space for flat 1 and fronts directly onto the public highway. The amenity space would therefore not be private and would be unlikely to be utilised in a significant manner.

6. My attention has been drawn to other planning applications in the area which the appellant states were not required to provide amenity space. I have limited evidence on these cases. The circumstances in each proposal are likely to be different, and in any event the fact that apparently similar proposals may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
7. I note from the Officer's Report that the Council are unable to demonstrate a five year supply of deliverable housing sites. The proposal would add a housing unit to assist in this supply, which would provide social and economic benefits. However, the adverse impacts of the proposal that I have identified above would significantly and demonstrably outweigh such benefits.
8. I therefore conclude that the proposed development would not provide appropriate living conditions for the future occupier of flat 2 with regard to amenity space. It would conflict with saved Policies H5 and H14 of the Sheffield Unitary Development Plan 1998 which seek to ensure that living conditions are satisfactory and Paragraph 130 of the National Planning Policy Framework which aims to promote a high standard of amenity for future users.

Conclusion

9. For the reasons given above, having considered the development plan as a whole and all other relevant matters, I conclude that the appeal should be dismissed.

C. Megginson

INSPECTOR