



Appeal Decision

Site visit made on 15 February 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2022

Appeal Ref: APP/J4423/D/21/3283942

25 Stumperlowe Park Road, Sheffield S10 3QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Gray against the decision of Sheffield City Council.
 - The application Ref 21/02191/FUL, dated 10 May 2021, was refused by notice dated 7 July 2021.
 - The application sought planning permission for erection of a two/single-storey rear extension to dwellinghouse including Juliet balcony, first floor extension and raised patio to rear without complying with a condition attached to planning permission Ref 18/02587/FUL, dated 24 October 2018.
 - The condition in dispute is No 4 which states that: The end panel of the oriel box window facing 23 Stumperlowe Park Road shall at all times be fitted with obscure/opaque glazing to a minimum of level 4 obscurity and be fixed or top opening only.
 - The reason given for the condition is: In the interests of the amenities of the adjacent property.
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Decision

1. The appeal is allowed, and planning permission is granted for two/single-storey rear extension to dwellinghouse including Juliet balcony, first floor extension and raised patio to rear at 25 Stumperlowe Park Road, Sheffield S10 3QP in accordance with the application Ref 18/02587/FUL approved 24 October 2018 with the deletion of Condition 4, but subject to the remaining text and other conditions approved therein, so far as the same are still subsisting and are capable of taking effect.

Main Issue

2. The main issue is the effect that removing Condition 4 would have on the living conditions of 23 Stumperlowe Park Road with regard to overlooking and privacy.

Reasons

3. The existing property is a two-storey detached dwelling, which has had the benefit of previous permissions. The oriel window subject to the appeal is on the first floor of the dwelling and the previous approval included a condition that stated that the front panel of the window in question should be obscurely/opaquely glazed in perpetuity.

4. At the time of my site visit, the obscuration film had been removed from the front panel of the window, leaving a clear pane. The window concerned serves a bedroom.
5. There is no doubt that the side window is close to the adjacent boundary, which would be expected to ordinarily require some form of obscuration. However, it was apparent that the immediate view from the front pane of the window is to the roof of the adjacent dwelling that is located at a lower site level, which I understand has recently had approval for an extension to be constructed.
6. Beyond the roof plane of the adjacent property are long range views beyond the property, that would have no affect on privacy. I find that when viewing out of the host property through the disputed window, there would be no loss of privacy to the adjacent property. Indeed, it was apparent that there are views from other first floor windows in the house that look into the garden area of the adjacent property, in a situation that would normally be expected in a residential area when two properties sit side-by-side.
7. I appreciate that the first-floor window results in an increase in the opportunity for overlooking the neighbouring property. Notwithstanding this, the National Planning Policy Framework (the Framework) states that any conditions should only be imposed where they meet the six tests, as set out in Paragraph 56.
8. As such, due to the specific site circumstances and positioning of the dwellings, I find that the condition requiring the installation of obscure/opaque glazing to that window to be unreasonable and unnecessary.
9. I find no conflict with Policy H14 of the Sheffield Unitary Development Plan (1998) and Guideline 6 of the "Designing House Extensions" Supplementary Planning Guide, which amongst other matters expect development not to deprive residents of privacy and protect levels of privacy. I also find no conflict with Paragraph 130 of the National Planning Policy Framework (modified from Paragraph 127 in the previous version) which collectively expects development to function well and add to the quality of the area and create high standards of amenity.

Other Matters

10. I note the objection from a local resident, but I cannot agree with the level of privacy that would be lost given the relationship between the dwellings.

Conclusion

11. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should be allowed in respect of the deletion of Condition 4.

Paul Cooper

INSPECTOR