
Appeal Decision

Site visit made on 18 March 2022

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/J4423/D/22/3290294

24 Mansel Road, Sheffield S5 9QQ

- 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 Joel Wilson against the decision of Sheffield City Council.
 - The application Ref 21/03969/FUL, dated 6 September 2021, was refused by notice dated 8 November 2021.
 - The development proposed is retention of single-storey extension to form summerhouse to rear of dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for retention of single-storey extension to form summerhouse to rear of dwellinghouse at 24 Mansel Road, Sheffield, S5 9QQ in accordance with the terms of the application, 21/03969/FUL, dated 6 September 2021, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: Proposed Elevations and Floor Plans Drawing 2 of 2.

Preliminary Matters

2. The description in the banner heading above has been taken from the Council's decision notice as this provides a more accurate description than the description given in part 4 of the planning application form.
3. I saw from my site visit that the summerhouse has already been constructed and the planning application was made retrospectively. Accordingly, I have considered the appeal on that basis.

Main Issue

4. The main issue is the effect of the summerhouse on the living conditions of the neighbours at No.26 Mansel Road, with regard outlook and overshadowing.

Reasons

5. No.24 Mansel Road (No.24) is a two-storey semi-detached house on the eastern side of Mansel Road. Because of a change in levels to the rear, the garden is lower than the house and a timber clad summerhouse has been constructed at this lower level. It has been built on an existing area of timber

decking and is physically attached to the house but has no direct access to it, accessed instead via the side passageway down external stairs.

6. No.24's attached neighbour, at No.26 Mansell Road (No.26), has a small roughly triangular shaped rear garden with no direct access from the house. The summerhouse projects around 6.8m just inside the common boundary with No.26 and at a height above the existing boundary fencing. I observed on my site visit that because of its height and its siting to the south of the garden of No.26, it does cause overshadowing of part of the garden area. From the photograph submitted by the appellant in evidence, it would also appear prominent from the rear garden of No.26 along much of the length.
7. However, No.26 is situated on a corner plot and consequently has a larger, fully enclosed garden, to the side of the house. This appeared well used and maintained, and is afforded a pleasant aspect and plenty of light. Further, the rear garden of No.26 is already overshadowed by the existing high close boarded fence along the boundary with No.24. The increase in overshadowing resulting from the summerhouse, in my mind, would not be sufficient to result in harm to the overall enjoyment of the gardens of No.26.
8. The changes in levels to the rear of both No.24 and No.26 means that the flat roof of the summerhouse sits below the sill of the nearest window (understood to be a kitchen) on the rear elevation of No.26. Because of this relationship there would be no impact on light received by this room, or the outlook from it.
9. I therefore find that the summerhouse does not cause harm to the living conditions of the adjoining neighbours at No.26, either through loss of outlook or overshadowing. Consequently, there is no conflict with Guideline 5 of the Council's *Designing House Extensions Supplementary Planning Guidance* which seeks to avoid 'unreasonable overshadowing and over dominance of neighbouring dwellings.' There would further be no conflict with saved Policy H14 of the Sheffield Unitary Development Plan (1998) because the summerhouse would not deprive residents of light, or paragraph 130 of the National Planning Policy Framework in so far as it seeks to ensure that developments create places with a high standard of amenity for existing and future users.

Conditions

10. Although the summerhouse has already been constructed, in the interest of certainty, it is necessary to impose a condition specifying the approved drawing.

Conclusion

11. For the reasons given above, the appeal is allowed.

R. Jones

INSPECTOR