



Appeal Decision

Site visit made on 8 April 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 28 July 2022

Appeal Ref: APP/J4423/D/21/3285510

16 Gleadless Common, Sheffield S12 2UQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1), Schedule 2, Part 1, Class A and paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Elizabeth Nelson against Sheffield City Council.
 - The application 21/03320/HPN, dated 22 July 2021, was refused by notice dated 21 September 2021.
 - The development proposed is a rear single storey 6 metre extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), grant planning permission for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Paragraph A.4 (7) of Class A requires that, where any owner or occupier of an adjoining premises objects to a larger rear extension, the Local Planning Authority must assess the impact of the proposal on the amenity of any adjoining premises. In this case, an objection was received, claiming the proposal was of an unacceptable size and scale, and would cause issues with regards to privacy and light.

Main Issue

4. The main issue is therefore the effect of the development on the living conditions of neighbouring occupiers of Nos. 14 and 18 Gleadless Common, with particular regard to outlook, privacy and light.

Reasons

5. The appeal site comprises a detached bungalow with a conservatory style rear extension. It is situated on Gleadless Common on lower ground than the neighbouring property at No. 18 and on higher ground than No. 14, which in turn has a long rear extension. Both the appeal property and No. 18 have modest rear gardens while No. 14 has a larger rear space due to its corner plot location. These gardens are separated by boundary fencing.
6. The proposal seeks to erect a rear extension at the site, replacing that currently present. Parties agree this would be of dimensions that meet the

requirements of Schedule 2 Part 1 Class A Paragraph A.1 (g). While no elevation plans have been provided, a site plan was submitted with the application and appeal, showing the positioning of the proposal.

7. The Council has referred to the provisions of the Designing House Extensions Supplementary Planning Guidance (the SPD), which seeks to avoid overshadowing and overdominance of neighbouring dwellings. In this regard, it suggests a maximum depth of 3 metres for a single-storey rear extension adjacent to another dwelling. However, this measurement is guidance rather than policy and in any event conflicts with the permissible dimensions set out in Schedule 2 Part 1 Class A Paragraph A.1 (g). As such, I do not consider that the proposal being greater than this measurement would, on its own, lead to it being unacceptable.
8. Although the proposal would be on lower ground than No. 18, its introduction would cause a change in outlook from this property. With a ridge height of around 4 metres and eaves height of approximately 3 metres, the proposal would rise above the fencing and extend beyond the rear elevation of No. 18, which is sited close to the boundary. It would be clearly visible from the non-obscured rear elevation windows of the neighbouring property, where the additional built form would read as a dominant structure. This sense of dominance would be further heightened by the modest overall size of the rear garden at No. 18, such that the enjoyment of this space would be unduly impacted by the proposal.
9. For similar reasons, the proposal would cause unacceptable impacts on the amenity of the occupiers of No. 18 with regards to overshadowing and loss of daylight. Due to its positioning relative to the rear garden and elevation of this neighbouring property the proposal would cast additional shadow over these spaces. It would increase the amount of time during the day when these spaces would lack natural light, which would further serve to reduce the enjoyment of these locations by neighbouring occupiers.
10. However, these issues would not be replicated at No. 14. While the proposal would be sited on higher ground and extend beyond the rear elevation of the extension present, it would be set back from the shared boundary so as not to cause significant overshadowing. This setback, combined with the sizeable rear garden at No. 14, would also ensure that the proposal does not appear overbearing from the property or rear garden and cause harm to outlook.
11. Concerns have also been raised about the potential of the proposal to cause overlooking of Nos. 14 and 18. Although single storey, given the siting of the proposal relative to these properties and gardens and the fact that it would rise above fencing present, there is a possibility that such overlooking could occur, adversely impacting the privacy of occupiers. It is possible that such impacts could be controlled by way of a condition relating to obscured glazing on side elevation windows however, no plans have been provided demonstrating the positioning of windows and doors in the proposal. In the absence of this information, I am unable to definitively conclude that such impacts would not occur.
12. Whilst I have found that the effect of the proposal on the living conditions of neighbouring occupiers at No. 14 Gleadless Common with regards to outlook and light would be acceptable, for the reasons given I find that it would have a significant adverse on the living conditions of neighbouring occupiers at No. 18 Gleadless Common in this regard. Furthermore, I am unable to conclude that

the proposal would have no unacceptable impacts on the living conditions of these occupiers with regards to privacy. As such, the proposal would fail to comply with Policy H14 of the Sheffield Unitary Development Plan 1998, the general provisions of the Council's Designing House Extensions SPD and the provisions of the National Planning Policy Framework, which together seek to ensure no adverse impacts on residential amenity.

Other Matters

13. The appellant has referred to provisions of the GPDO, stating that similarly scaled development would be permitted in other circumstances. However, I must assess the proposal before me on its own site specific circumstances. Having found unacceptable harm to neighbouring living conditions in this instance I do not consider it would be appropriate to grant prior approval for the proposal. As such, limited weight is attached to this argument, which would not outweigh the harm identified above.
14. The appellant has further pointed out that the proposal would not cause unacceptable impacts on the living conditions of occupiers of No. 1 Glade Lea. Based on my observations I have no reason to disagree. This represents a lack of harm, which is a neutral consideration.

Conclusion

15. For the reasons given, I conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR