



Appeal Decision

Site visit made on 31 August 2022

by B S Rogers BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2022

Appeal Ref: APP/J4423/C/22/3295240

Land at 15 Rosedale Gardens, SHEFFIELD, S11 8QB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Jay Allen against an enforcement notice issued by Sheffield City Council.
 - The notice was issued on 8 March 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a rear extension (shown within the attached photos).
 - The requirements of the notice are to: (i) demolish the rear extension described in paragraph 3; (ii) make good using matching material any damage done to the main dwelling arising from the performance of paragraph 5(i); and (iii) remove from the land all materials and waste resulting from the demolition of the main extension.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the applications deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a rear extension at 15 Rosedale Gardens, Sheffield, S11 8QB

The appeal on ground (a) and the deemed application

2. The sole reason for the issue of the notice, and the main issue in this case, is the impact of the development on the living conditions of the occupants of the neighbouring dwelling, no.17 Rosedale Gardens.
3. The National Planning Policy Framework (NPPF) seeks to ensure that development will function well and add to the overall quality of the area, with a high standard of amenity for existing and future users. Turning to the development plan, Policy H14 of the Sheffield UDP stipulates that a site should not be over-developed or deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.
4. The Supplementary Planning Guidance (SPG) on Designing House Extensions indicates that unreasonable overshadowing and over dominance of neighbouring dwellings should be avoided, as should serious reductions in the lighting and outlook of the dwelling to be extended. A single storey extension built adjacent to another dwelling may not extend more than 3m beyond that other dwelling.

5. The appeal property, no.15 Rosedale Gardens, is a semi-detached house with brick walling and a slate roof. It has a very short, but wide, rear garden which backs onto the car park of the Berkley shopping precinct, which is at a lower level. The flat-roofed extension in question extends rearward some 4m along the common boundary with no.17, almost to the rear boundary, and is over 8m in width; it is some 3.25m high. The walls of the extension have a rendered finish.
6. Although acknowledging that this development requires planning permission, the appellant has pointed to what could be built as permitted development under Class A of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015. In the case of a semi-detached dwelling, this would permit a rearward extension of up to 3m deep and up to 4m in height. That appears to me to amount to a valid fall-back position. Whilst it could potentially be deeper, that would be subject to the prior notification procedure, and that option would appear unlikely to have been unopposed here.
7. I was able to view the extension from the rear garden of no.17, with the consent of the occupier. As the extension has a blank wall facing no.17, there is no adverse impact on the privacy of the occupants.
8. I saw that the only ground floor window on the rear elevation of no.17 serves a kitchen which, significantly, is not normally regarded as a habitable room. The extension as built appears quite imposing when viewed from the garden itself. However, an important factor is that it lies to the north of, and therefore has little impact on the amount of direct sunlight reaching, no.17.
9. To my mind, the additional 1m in depth compared to what would normally be approved by the Council under its own SPG guidelines (or be permitted development) would appear to have little additional impact on the daylight or outlook enjoyed by the occupants of no.17. Any such impact would be to some extent offset by a reduced height of some 0.75m, compared to what could have been built as permitted development.
10. In conclusion, the development does not unduly harm the living conditions of the occupants of no.17 Rosedale Gardens and does not conflict with the development plan or national guidance in this respect. Accordingly, the appeal succeeds on ground (a) and planning permission will be granted.

B S Rogers

INSPECTOR