
Appeal Decision

Site visit made on 5 September 2022

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 28 September 2022

Appeal Ref: APP/J4423/22/3302119

11 Dalmore Road, Sheffield S7 2EP

- 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 Almond against the decision of Sheffield City Council.
 - The application Ref: 22/00974/FUL (formerly PP-11109582), dated 10 March 2022, was refused by notice dated 20 May 2022.
 - The development proposed is described as a single storey rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of a rear off-shot and the erection of a single storey rear extension at 11 Dalmore Road, Sheffield S7 2EP in accordance with the terms of application 22/00974/FUL (formerly PP-11109582), dated 10 March 2022, and subject to the following conditions: -
 - a) The development hereby permitted shall begin no later than three years from the date of this decision.
 - b) The development hereby permitted shall be carried out in accordance with the following submitted plans: (i) block plan ref.SA-20-EX002;(ii) proposed elevations ref.SA-21-LLO1 and (iii) proposed floor plans ref.SA-20-0001.
 - c) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The applicant describes the proposed development as a single storey rear extension, whereas the local planning authority (LPA) describes it in the decision notice as the demolition of a rear off-shot and the erection of a single storey rear extension. I have used the latter as being a more precise description of the proposed development.

Main Issue

3. The main issue is the effect of the proposed development upon the living conditions of the occupiers of No. 13 Dalmore Road in terms of outlook.

Reasons

4. The appeal property is a two-storey, semi-detached dwelling in a residential area. It has a rear amenity space containing a small single storey extension of approximately 2 metres deep.
5. The proposed development would replace the existing small extension with a single storey extension of approximately 5.5 metres deep and some 4.4 metres to its ridge. It would be set in from the side boundaries of the house and would be approximately 0.5 metres from the boundary with No. 13 Dalmore Road.
6. No. 13 Dalmore Road lies on the South side of the attached appeal dwelling.
7. The LPA considers that the proposed design of the extension is acceptable and that an adequate amount of rear amenity space would still exist, and I have no reason to disagree. However, it considers that its depth of some 5.5 metres is contrary to the contents of the Council's Designing House Extensions Supplementary Planning Guidance (1998) (SPG) which states that '*a single storey extension built adjacent to another dwelling may not extend more than 3m beyond that other dwelling*'. The reason for the policy guidance is stated as '*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*'.
8. While the appeal proposal would extend beyond 3 metres, it would be single storey with a limited height and where main rear windows to No. 13 would not look directly onto the proposed extension. Therefore, I do not consider that, in this instance, the proposed extension would have an unacceptably adverse impact upon the living conditions of the occupants of No. 13 Dalmore Road in terms of creating an enclosing impact. In other words, a reasonable level of outlook would still be afforded to the occupants of No. 13 Dalmore Road from both the garden area and the rear windows.
9. Therefore, I conclude that while there is some conflict with the SPG, the proposed development would accord with paragraph 130(f) of the National Planning Policy Framework 2021 (the Framework) which requires the maintenance of a high standard of amenity. The Council refers to policy H14 of the Sheffield Unitary Development Plan 1998 (UDP) which is only relevant in so far that it stresses the need for good design, but it does not specifically mention the avoidance of an overbearing impact or loss of outlook. In any event, the proposal is acceptable in overall design terms and therefore accords with policy H14 of the UDP.

Other Matters

10. The LPA in its officer report, but not in its refusal notice, considers that the proposed development would lead to an unacceptable loss of light to the occupants of No. 13 Dalmore Road. However, the dwelling is sited on the south side of the appeal property, and when considering the arc of the sun and the limited height of the proposed extension, I do not consider that there would be any significant loss of light for the occupants of No. 13 Dalmore Road.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

S. Hartley

INSPECTOR