



Appeal Decision

Site visit made on 29 March 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 May 2023

Appeal Ref: APP/J4423/W/22/3309061

Apartments 6 and 9, Linden House, 14 Linden Avenue, Sheffield S8 0AJ

- 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 Ian Bowler against the decision of Sheffield City Council.
 - The application Ref 22/01363/FUL, dated 5 April 2022, was refused by notice dated 15 July 2022.
 - The development proposed is described as: 'building of 2 new balconies to the rear of apartments'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address from the Council's decision notice as it more accurately reflects the appeal site. I have taken the description of development from the appeal form in the interests of brevity. In doing so I have removed words that are not acts of development.
3. Reference is made to the width of balconies potentially being reduced to 3 metres. However, it is clear from the delegated report and decision notice that the original plans showing a balcony of 5.1 metres wide are those that the Council made its decision on. I have therefore based my decision on those plans, as I am required to do.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of the neighbouring property 12 Linden Avenue, with particular regard to privacy.

Reasons

5. The appeal site relates to an apartment block, Linden House, located in a residential area. A Juliet balcony with double door openings is present at both apartment 6 and apartment 9. These are located at the first and second floors respectively on the eastern side of the building, close to the side boundary of the adjacent dwelling, 12 Linden Avenue.
6. The existing Juliet balconies are narrow, being limited to the width of the door opening. Nevertheless, when standing in the open doorway at No 6 and No 9 I saw that the rear patio and garden of No 12 were easily visible. Leaning out slightly and looking to the right it was possible to look into the side windows at

ground floor and first floor of that property, at a relatively short distance. My impression on site was that some of these windows served habitable rooms.

7. The proposed balcony would project out from the rear of both No 6 and No 9 by around 1.5 metres and would extend for 5.1 metres across the rear elevation. I accept that the proposed 1.8 metres high obscure screen would limit views from the areas of the balcony closest to No 12. However, due to the overall width of the balcony, it would offer limited protection from views further away from it. As such, in my view, those standing or seated on the left-hand side of the balcony would easily be able to look beyond the screen and down or across into the windows at No 12.
8. The creation of a balcony is likely to lead to occupiers of No 6 or No 9 using the balcony for significantly longer periods than the existing Juliet balcony, including for sitting out. Furthermore, as the main outlook is to the north, with views to the west limited by the apartment block, it is unlikely those present on the balcony would be facing away from No 12. The proposal would therefore result in a reduction of privacy levels within the dwelling at No 12 and a significant increase in the potential for overlooking. Moreover, when occupiers of No 12 are present in the affected rooms, they are likely to experience a perception of being overlooked due to the proximity, scale and elevation of the balcony. For the above reasons, that perception of being overlooked would not be averted by the presence of the obscure glazed screen.
9. I have been directed to a previous approval of a balcony at No 6¹ however I note that this was for a reduced width which would likely have limited the effect referred to above.
10. For the above reasons, the proposal would adversely affect the living conditions of the occupants of No 12 Linden Avenue. The proposal would therefore conflict with Policy H14 of the Sheffield Unitary Development Plan (1998) which, in summary, seeks to ensure new development preserves living conditions. There would also be conflict with paragraph 130 of the National Planning Policy Framework which seeks to ensure new developments provide a high standard of amenity for existing and future users.

Other Matters

11. I have had regard to the lack of objection from the occupiers of No 12 and I note that they have a good relationship with the occupiers of No 6 and No 9. However future occupiers may not feel the same. Moreover, my role is to assess the effect of the proposal on privacy levels. For the above reasons I have found that those privacy levels would be compromised by the appeal proposal, to the detriment of the living conditions of existing and future occupiers of No 12.
12. Whilst I understand it is the intention of the occupiers of No 12 to construct a new extension which may result in a different window arrangement adjacent to the apartments, I am required to base my assessment on the existing situation having regard to the evidence that is before me.

¹ Ref 19/04529/FUL.

Conclusion

13. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR