



Appeal Decision

Site visit made on 25 April 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2023

Appeal Ref: APP/J4423/W/22/3312983

53 White Thorns Drive, Sheffield S8 8ET

- 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 Kumi Osawa against the decision of Sheffield City Council.
 - The application Ref 22/03316/FUL, dated 8 September 2022, was refused by notice dated 7 October 2022.
 - The development proposed is the conversion of an existing dwelling house to form 2no. 1-Person, 1-Bedroom flats.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of an existing dwelling house to form 2no. 1-Person, 1-Bedroom flats at 53 White Thorns Drive, Sheffield, S8 8ET in accordance with the terms of the application, Ref 22/03316/FUL, dated 8 September 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2196 – 100 – Location Plan, 2196 – 201-A – Site Plan as Proposed, 2196 – 202-A – Ground Floor Plan as Proposed, 2196 – 203-A – First Floor Plan as Proposed, 2196 – 204 – Roof Plan as Proposed, 2196 – 205 – Elevations as Proposed; and 196 – 206 – Elevations as Proposed.

Main Issues

2. The main issues of the appeal are:
 - i) Whether the development would provide adequate living conditions for future occupiers of the flats, with particular regard to the provision of internal space for both flats and outdoor amenity space for the first floor flat; and
 - ii) The effect of the subdivision of the property into two flats on future occupiers of the proposed ground floor flat, with particular regard to overlooking of their outdoor amenity space.

Reasons

3. The appeal site relates to a two-storey mid-terraced property. The surrounding area is predominantly residential consisting of rows of terraced properties and blocks of flats.

Living Conditions - Future Occupiers

4. The existing dwelling would be sub-divided to create two 1-bedroomed flats. The proposed plans indicate that the two flats would provide accommodation totalling 40.8m² and 44.6m². The Council states that this is below the South Yorkshire Residential Design Guide (SYRDG) which sets out 46m² as guidance for an appropriately sized unit but confirm that the SYRDG is not adopted guidance. On this basis, whilst the guidelines can be useful to determine whether the proposal would offer an acceptable level of internal space for future occupiers only limited weight is given to these in the determination of this appeal. The appellant has drawn my attention to the Nationally Described Space Standards (NDSS) stating that the accommodation would exceed the minimum sizes set out in this document. I concur that this is the case. However, I note the absence of a development plan policy requiring compliance with the NDSS.
5. Each residential unit would comprise a bedroom, bathroom and open plan living/kitchen. Although no dedicated storage space is shown on the submitted plans the internal accommodation would provide all the facilities necessary for residential occupation. All habitable rooms would be served by a large window providing a good degree of natural light and outlook. I find that the overall size and layout of accommodation provided would ensure that both flats would be provided with adequate living conditions normally expected for the occupants of a 1-bedroom residential unit.
6. The existing outdoor garden would be allocated to the ground floor flat and as such would be provided with satisfactory outdoor amenity space. The first floor flat would not have an allocated outdoor amenity space but would have access to the front garden. Although not be private garden space, it would serve some useful purpose to the occupiers of the first floor flat. The appeal site is located within an area of high-density development and flats where many residential units do not have any private garden space. The appeal site is within close proximity to public open space, and as such future occupiers of the first floor flat would have good access to outdoor open space.
7. Further to the above, I conclude that the development would provide adequate living conditions for future occupiers of the flats, with particular regard to the provision of internal space for both flats and outdoor amenity space for the first floor flat. As such the proposal accords with Policies H5 and H14 of the Sheffield Unitary Development Plan (UDP). These policies are consistent with the principles of the National Planning Policy Framework (the Framework) which together require proposals to provide satisfactory living conditions for occupants.

Living Conditions – Overlooking

8. The existing property benefits from outdoor amenity space to the front and rear of the property. Due to the layout and design of properties in the locality it is not uncommon for views into neighbouring gardens being possible from the upper floors of properties.
9. The windows to the habitable rooms in the rear elevation of the first floor flat would overlook the rear garden allocated to the ground floor flat. In this circumstance the existing terrace of properties already experience a degree of

mutual overlooking of allocated garden areas. As such I do not find that the proposal would result in a material increase in overlooking.

10. I therefore find that the subdivision of the property into two flats would not have a harmful effect on the future occupiers of the proposed ground floor flat, with particular regard to overlooking of their outdoor amenity space. As such the proposal accords with Policies H5 and H14 of the UDP and the Framework which collectively require that developments are designed and located in a manner which ensures adequate standards of amenity for existing and future users.

Other Matters

11. The proposal involves an additional door to be inserted into the front elevation of the building. This alteration is minor in scale and would not cause harm to the character of the property or the streetscene. This is considered acceptable to the Council, and I find no reason to disagree with this assessment.
12. Whilst the proposed development would result in the loss of a larger residential unit, the proposal would retain the residential use of the building, making effective use of the building, adding to the range of residential unit types.
13. The Council is unable to demonstrate a five-year supply of housing sites. Accordingly, Paragraph 11d) of the Framework states that development plan policies which are most important for determining the application may be considered out-of-date. As a result, it states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Having regard to paragraph 11 di) the proposal would not affect areas or assets of particular importance which provide a strong reason for restricting development in the plan area.
14. The site is located within an existing urban area, that is well-related to public transport and existing services/facilities. The proposal would make effective use of an existing building and the additional residential unit would contribute towards housing provision, and that of a smaller unit type. Once the additional unit is occupied this would also contribute towards spend within the local economy. Given the small scale of the development these benefits would be moderate, however, they weigh in favour of the proposal. Further to the above, as I find no conflict with the relevant policies of the Framework, in such circumstances, permission should be granted as there are no adverse impacts that would significantly and demonstrably outweigh the benefits.

Conditions

15. For the purposes of certainty and in the interests of proper planning, I have imposed planning conditions requiring the development to be carried out within a set timescale and to the approved plans.

Conclusion

16. For the above reasons, having regard to the development plan and Framework as a whole, I conclude that the appeal should be allowed, subject to conditions.

R Gee
INSPECTOR