



Appeal Decision

Site visit made on 10 July 2023

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2023

Appeal Ref: APP/J4423/D/22/3309541

19 Thorncliffe View, Sheffield S35 3XU

- 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 Chris Unwin against the decision of Sheffield City Council.
 - The application Ref: 22/01913/FUL, dated 17 May 2022, was refused by notice dated 19 August 2022.
 - The development proposed is a free standing summer house / garden studio.
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Decision

1. The appeal is allowed and planning permission is granted for a free standing summer house / garden studio at 19 Thorncliffe View, Sheffield S35 3XU in accordance with the terms of the application, Ref: 22/01913/FUL, dated 17 May 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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: TQRQM18102192049308 Location Plan, ABPA2022GS-CUnwin/ 02 Proposed Plan and Elevations, ABPA2022GS-Cunwin/05 Block Plan
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown in the Materials section of the planning application form.

Procedural Matter

2. The description of development in the banner heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the application form.

Main Issues

3. The main issues are (i) whether the proposal would provide a suitable living environment for the occupiers of the appeal property by way of the provision of private outdoor amenity space; and (ii) the effect on the living conditions of the

occupiers of neighbouring residential properties by way of visual impact and outlook.

Reasons

Private Outdoor Amenity Space

4. The appeal property consists of a detached house which is found on a modern housing development that is set out in a planned layout. There is a single storey extension at the rear of the property. The remaining area at the rear includes a paved area and artificial grass. Both contain domestic paraphernalia associated with the outdoor use of these areas. There are also raised narrow areas of landscaping that are set around the rear boundaries and are at noticeably higher land levels, beyond wooden retaining wall type structures.
5. The proposal would be sited where the artificial grass is currently located. The remaining private outdoor amenity space would consist of principally the paved area. This would be located between the proposal, the house and the extension. It would easily be accessible from the house, in particular through the extension, and so it would be readily usable.
6. The size of the remaining private outdoor amenity space and the amount of green space would clearly be reduced, but nevertheless it would still allow for the beneficial enjoyment of its use. This is demonstrated by the current outdoor domestic functions of the paved area, even with the existing rear extension. Some enjoyment of the outdoor area would also still be derived from the raised areas of landscaping in visual terms.
7. Guideline 4 of the Sheffield City Council's Designing House Extensions Supplementary Planning Guidance (1996) (SPG) states that extensions that leave little garden space will not be permitted. The supporting text to the guideline states in most circumstances that a size of 50 square metres is the minimum size for a garden for a 2 or more bedroomed house. Even if this figure would be breached, it would still leave a reasonable level of open land around the house that would be enjoyed by its occupiers and moreover it would be usable. In terms of what would be left, it would not constitute a very small or little area, or little garden space.
8. That the proposal would reduce the garden area as was originally designed does not itself mean that it would be unacceptable. That depends on what is left and whether it still provides satisfactory outdoor space for its occupiers. For the reasons that I have set out above, this would be achieved.
9. I conclude that the proposal would provide a suitable living environment for the occupiers of the appeal property by way of the provision of private outdoor amenity space. As such, it would comply with saved Policy H14 criterion c of the Sheffield Unitary Development Plan (1998) where it concerns, amongst other matters, that a site is not to be over-developed, or cause serious loss of existing garden space that would harm the character of the neighbourhood. It would also comply with Policy CS74 of the Sheffield Development Framework Core Strategy (2009) in as far as its design principles are relevant to private outdoor amenity space matters.
10. The proposal would also comply in overall terms with Guideline 4 of the SPG as it would retain a reasonable level of what can be deemed garden space. It would also accord with paragraph 130 of the National Planning Policy

Framework (Framework) in that it would provide a high standard of amenity for its occupiers.

Living Conditions

11. The boundaries of the rear of the appeal property are well enclosed from its neighbours. They are delineated by close board fencing and marked levels of vegetation. On the opposite side of the boundaries are the rear private outdoor amenity areas of these respective properties. Beyond the raised rear boundary is a supermarket.
12. The proposal would reach a diminutive height of 2.8 metres, similar to the existing extension and its siting would also be set in from the boundaries. Due to the level of enclosure, it would be unlikely to be appreciably noticeable from the rear gardens of the neighbouring properties in respect of its visual impact.
13. While it would be likely more visible from some of the first floor windows of the neighbouring properties, they would be looking down on what would be a considerably smaller structure and, in any event, such an outlook would be overlooking the appeal property's own rear. The land at the supermarket boundary is also considerably higher than the proposal, as it would be viewed from these properties. Hence, the proposal would not be a dominant or prominent feature in respect of their outlook.
14. The absence of large extensions and outbuildings locally does not render the proposal to be unacceptable because its scale would not result in such an effect on these neighbouring residential properties. Guideline 5 of the SPG would not be breached because there would not be unreasonable over dominance or serious reductions in outlook. The effect would not be overbearing.
15. I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of neighbouring residential properties by way of visual impact and outlook. Therefore, it would comply with Saved Policy H14 criterion c, Policy CS74, Guideline 5 of the SPG and paragraph 130 of the Framework where they seek collectively to provide high standards of amenity, including for the occupiers of neighbouring properties.

Conditions

16. As well as the statutory time limit for implementation, I have imposed a condition in the interests of certainty concerning the approved plans. I have also imposed a condition so that the proposal is constructed of the external materials, as is indicated on the planning application form.

Conclusion

17. For the reasons set out above, and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR