



Appeal Decision

Site visit made on 17 April 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 May 2024

Appeal Ref: APP/J4423/D/24/3339157

51 Burrowlee Road, Sheffield S6 2AT

- 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 William Marshall against the decision of Sheffield City Council.
 - The application Ref: 23/03824/FUL, dated 01 December 2023, was refused by notice dated 8 February 2024.
 - The development is described as proposed householder extensions consisting of part single, part two storey rear extension and roof extension to raise ridge and eaves height and provision of box dormer.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have been advised that the Council have subsequently granted planning permission for an amended proposal for extensions to the appeal dwelling¹. I have had regard to this in my overall assessment.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupants of neighbouring properties, with particular regard to overshadowing and overdominance.

Reasons

4. The appeal property is a mid-terraced, two-storey dwelling. Burrowlee Road consists of terraced properties which are set within linear plots. The appeal dwelling is an anomaly in the row as it has a reduced height and smaller footprint compared to its neighbours. Within the terrace, single storey rear projections are generally shared with a neighbour and/or are set in from one of its side boundaries. No.49 Burrowlee Road (No.49), adjacent, has a ground floor window within its rear elevation, to the side of which is a single storey projection. The adjacent dwelling, No.53 Burrowlee Road (No.53), also has a single ground floor opening positioned in its rear elevation. A mix of boundary treatments exist to the rear of Burrowlee Road, although there is a general degree of openness across the linear gardens.

¹ Planning Application 24/00554/FUL dated 02 May 2024

5. The proposals include a single storey extension which would fill the width of the plot and, as such, would be constructed up to the shared boundaries. A ground floor window to the rear of No.49 is positioned very close to the appeal site. This window is flanked on its far side by an existing single storey projection. The height of the extension would project above the existing fence line by some distance, and would be taller than the lintel of this window. The siting of the extension on the boundary, would create a narrow corridor to the rear of No.49. This would significantly enclose the amenity space immediately to the rear of No.49, with the extension appearing dominant and overbearing. This sense of enclosure would have a harmful effect on the living conditions of the occupants of that property.
6. The extension would project a similar distance to the existing rear projection at No.49. The very close proximity between the existing and proposed developments would result in a narrow tunnel from the outlook of this window, and would lead to a loss of light to the room. It is likely that this would be exacerbated by the orientation of the properties, meaning overshadowing from the extension would occur from midday onwards.
7. No.53 has a wide opening at ground floor level, which is set away from the boundary with the appeal site. The depth of the extension would exceed the Council's standard for rear extensions as set out in the SPG². However, the height of the extension is not excessive in this context, while there is a degree of separation between the window and the proposed extension. Furthermore, the orientation of the properties is such that overshadowing arising from the development would likely be limited to the morning only.
8. No.53 has a long rear garden, and the extension would only occupy a small part of its overall length. The remaining boundaries would be free from development projecting above the fence line. The majority of open views over the boundaries would remain. Therefore, the height and projection of the single storey extension would not be unduly dominant from the internal or external areas of No.53.
9. It has been suggested that the height of the extension would be in line with permitted development rights for the construction of an outbuilding, and the effects on neighbours would be similar. However, I have no evidence before me to confirm what could lawfully be constructed under such rights. In any event, I do not consider the construction of an outbuilding to be directly comparable to the construction of an extension. It is unlikely that it would deliver the same level, or type, of accommodation to that proposed. Therefore, I am not persuaded that the hypothetical construction of an outbuilding would be a genuine fall back, and I can only attach limited weight to this argument.
10. I note that planning permission has recently been granted for extensions to the property. While I do not have full details of that approval, I understand it is of a reduced scale to the appeal proposals. I note that amendments for a lesser form of development were sought, but not received, in respect of the appeal application³. Clearly, the Council have considered a reduced scheme to be in less harmful with regard to the main issue. I have determined this appeal on its

² Designing House Extensions - Supplementary Planning Guidance from the Unitary Development Plan

³ Delegated Officers Report (page 4)

merits and in accordance with the Development Plan, as I am required to do, and find harm in respect of the living conditions of the occupants of No.49. Therefore, I do not find an approval of a lesser form of development to alter my assessment of this appeal.

11. I find the development would be acceptable with regard to the living conditions of the occupants of No.53. However, the proposed development would have an unacceptable effect on the living conditions of the occupants of No.49 with particular regard to overshadowing and overdominance. Therefore, the development conflicts with Policy H14 of the Sheffield Unitary Development Plan 1998 (the UDP); guidance contained within the SPG; and the National Planning Policy Framework. Together, amongst other things, these seek to ensure that development does not have an unacceptable effect on the living conditions of existing users.
12. I do not find any particular conflict with Policy BE5 of the UDP or Policy CS74 of the Sheffield Development Framework Core Strategy (2009), as these appear to solely relate to matters of design.

Other Matters

13. I acknowledge that the existing property is small, with a level of internal accommodation which falls below technical housing standards⁴. However, paragraphs 1 and 2 of that document confirm that the standards apply to internal space within new dwellings. As such, it does not appear to be applicable when considering proposals to extend existing dwellings.
14. Notwithstanding this, clearly, the extensions would improve the level of accommodation within a small dwelling. This would represent an enhancement of existing housing stock and would be a benefit of the scheme. However, the benefits are limited to a single property and would not attract such weight to outweigh the harm that I have identified.

Conclusion

15. For the above reasons the appeal is dismissed.

D Cleary

INSPECTOR

⁴ As set out in the DCLG document "Technical housing standards – nationally described spacing standards" (2015)