



Appeal Decision

Site visit carried out on 10 December 2024

by Mrs J A Vyse DipTP MRTPI DipPBM

an Inspector appointed by the Secretary of State

Decision date: 23 December 2024

Appeal Ref: APP/J4423/D/24/3353750

68 Chantrey Road, Sheffield S8 8QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Chris Wright against the decision of Sheffield City Council.
 - The application No is 24/02278/FUL.
 - The development proposed comprises the construction of a raised timber platform.
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Decision

1. For the reasons that follow, the appeal is allowed and planning permission is granted for the construction of a raised timber platform to the rear of 68 Chantrey Road, Sheffield in accordance with the terms of the application, No 24/02278/FUL, and Plan No 20-0001A submitted with it, subject to the following condition:
 - 1) The tinted glazing balustrade around the raised timber platform hereby permitted, as shown on Dwg No 20-0001A, shall be retained as such for the lifetime of the development.

Procedural Matters

2. Although referred to both as a raised decking area and as a balcony on the Council's Decision Notice, I have used the description as set out on the planning application form.
3. The raised platform has already been constructed. Whilst the description of development on the Council's Decision Notice refers to its retention, retention is not an act of development for the purposes of the Act. I have therefore considered the proposal on the basis that planning permission is sought for the development, albeit retrospectively.
4. The platform is set across the rear of a single-storey lounge extension which, I am advised, does not have planning permission. The Council states that whilst the dimensions of the extension meet the criteria for permitted development, its finish in non-matching materials means that permission is required. That said, it is also confirmed that whilst the extension includes large, rear facing French windows, it would be unreasonable to resist any retrospective application for privacy reasons, given that that is unrelated to the need for planning permission.

Main Issue

5. The main issue in this case is the effect of the raised timber platform on the living conditions of the occupiers of No 62 Chantrey Road, having particular regard to overlooking and loss of privacy.

Reasons for the Decision

6. The raised platform is enclosed by glazed balustrading (tinted glass) supported by stainless steel standards with a stainless steel handrail. The platform is wider than the rear extension, allowing for stepped access at either end onto/off the platform, with the steps returning alongside the house, leading away from the rear boundary.
7. The rear garden backs onto the side of the rear garden to No 62 Chantrey Road, which property is set to the northeast of, and at right angles to, No 68. Ground levels fall steeply away to the rear. As a consequence, the rear garden of No 62 is at a much lower level than the platform at No 68. Whilst photographs submitted by the appellant show that existing trees and shrubs provide some screening in views from the platform in the summer, as I saw during my site visit, there are clear views from the platform into much of the rear garden to No 62 in the winter months, with oblique views towards the rear of the dwellinghouse.
8. However, I understand that the lounge extension and platform replaced an outdoor seating area at the rear of the property, from which there were views over the rear of No 62. During my visit, I took in views from the existing ground level at the rear of the extension, some 0.9m below that of the platform. I saw that views of No 62 and its garden were very similar to views from the platform. I consider, in this regard, that views from the platform do not present materially increased opportunities for overlooking of the adjacent property when compared with the previous use of this part of the garden. I am also mindful of the Council's confirmation that it would not resist an application for the rear extension were one to be submitted, an extension with large glazed windows and views out to the rear. In addition, I am advised that the platform is not intended as a sitting out area. Rather, it was constructed to facilitate level access to/from the rear extension. Indeed, with a depth of just 1.1m, it is not wide enough to provide a meaningful sitting out area where people might linger.
9. In light of the forgoing, I find no material harm as a consequence of the development that has been carried out in terms of the living conditions of the occupiers of No 62 Chantrey Road, having particular regard to overlooking and privacy. There would be no conflict therefore, with policy H14 of the Unitary Development Plan, Guideline 6 of the Council's SPG on Designing House Extensions, or paragraph 135 of the National Planning Policy Framework,¹ which together and among other things seek to protect such interests. I therefore conclude that the appeal should succeed.
10. Since the application is retrospective, there is no need for the standard time limit condition relating to commencement of development. A condition is necessary however, to ensure that the tinted glazing shown on the submitted plan is retained as such, in order to minimise potential opportunities for overlooking.

Jennifer A Vyse
INSPECTOR

¹ The reason for refusal refers to paragraph 135 of the National Planning Policy Framework. Although a revised version of the Framework was issued in December 2024, subsequent to the decision of the Council, the text of the cited paragraph has not changed. I am satisfied therefore, that the position of the Council is not prejudiced by this change in policy circumstances.