



Appeal Decision

Site visit made on 20 March 2025

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th March 2025

Appeal Ref: APP/J4423/W/24/3356694

10 Ashpool Fold, Sheffield S13 7DZ

- 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 Mr Kabier Aslam against the decision of Sheffield City Council.
 - The application Ref is 24/01089/FUL.
 - The development proposed is change of use from domestic swimming pool to a detached 3-bedroom bungalow.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to outlook.

Reasons

3. 10 Ashpool Fold is a detached property which hosts a link to swimming pool building within a side garden. Located further along this garden space is a detached garage building which can be accessed from Sheffield Road. Taking the wider vicinity into account, there is a variation in the form and design of properties. These take the form of traditional terraced properties, alongside modern semi-detached and detached properties including bungalows.
4. The proposal would convert the swimming pool building into a three-bedroom dwelling. In its current form, the west elevation hosts several high and slim windows. These would be replaced by larger windows to serve the proposed bedrooms. Other than the provision of windows in the roof of two of the bedrooms, these windows in the west elevation would provide the only outlook to each bedroom.
5. Owing to the restricted width of the appeal site, this would create an outlook to a tall boundary fence at an extremely close distance from these windows. As such, this would create a sense of confinement once future occupants would be in these bedrooms. Overall, this would create a negative outlook for the future occupants of the proposed dwelling.
6. The appellant comments that the proposal would have sizeable roof windows, would meet room size standards and the ceilings would be vaulted to create a good feel of volume, sense of space and light in each bedroom. However, whilst the bedrooms may have high ceilings and a significant amount of light, this would

not overcome the sense of confinement which would be experienced due to its poor outlook.

7. Furthermore, it is contended that the proposal would create an open plan living area with direct outlook onto its private garden with a full height gable screen. However, this would be located in a different area of the proposed dwelling and therefore would only be of benefit to the occupants when they are utilising this space. Bedrooms are a habitable room where future occupants would spend a considerable amount of time and as such, an acceptable outlook should be provided to these spaces.
8. The appellant notes of a similar arrangement at No. 8 Ashpool Fold. Images have been provided which clearly show the presence of windows in the side elevation of No. 8 at a close distance to the boundary fence which runs alongside this building. Due to the difficulty in visibility between the two sites and from public vantage points, I was unable to determine if these windows served the habitable rooms to No. 8, as they would in the appeal proposal. However, in my examination of the evidence, no officer report, decision notice or approved plans have been provided in relation to this example. I therefore cannot ascertain what rooms these windows serve, or the reasoning behind this decision to understand any similarities between the appeal proposal and this example.
9. An additional example is cited by the appellant at 164 Sheffield Road. The appellant contends that this example hosts a pair of bedroom windows which directly face onto a boundary fence. Again, due to the absence of clear visibility from the appeal site and this example and from available public vantage points, I was unable to determine if these windows did indeed serve habitable rooms.
10. Nevertheless, the appellant has provided a section of the officer report. This section of the report indicates that the outlook to the bedrooms of No. 164 are not ideal, but that any future occupier would be aware of its shortcomings. The appellant further suggests that any potential future occupiers would assess for themselves whether the lack of an appropriate outlook from the proposed bedroom windows is such that this would provide unacceptable means of living accommodation. However, in my assessment of this main issue and this appeal scheme, I have found that the proposal would create a property which would not provide a high standard of amenity for its future occupants with regard to outlook. As such, I do not find that excusing this harm would be acceptable on this basis.
11. To conclude, the proposed development would conflict with Policies H14 and H15 of the Sheffield Unitary Development Plan 1998 (UDP). These policies seek for development to be well designed and to ensure that basic standards of outlook are met for all residents, amongst other things. This would also conflict with Paragraph 135 (f) of the National Planning Policy Framework (the Framework) which seeks to create places which promote a high standard of amenity.

Other Matters

12. Both the appellant and interested parties have raised the matter of ownership and right of access. In my assessment of this matter, during the application process, the appellant provided details of ownership and confirmed that there is a right of access to some neighbours. Any further contention on this issue is a civil matter between the relevant parties.

Planning Balance

13. The Council has noted that at the date of its decision, its housing land supply position was 3.01 years. As such, paragraph 11 of the Framework states that development plan policies which are most important for determining the application should be considered out of date. As there are no relevant policies protecting areas or assets of particular importance in this case, the requirements of paragraph 11d)ii of the Framework therefore apply.
14. I have found conflict with Policies H14 and H15 of the UDP as I have found harm to the living conditions of the future occupants of the proposed dwelling. On that basis, I conclude that there is conflict with the development plan as a whole. The Framework states that development should promote high standards of amenity. As such, these policies are in general conformity with the Framework and the conflict with them should be given significant weight in this appeal.
15. The Framework refers to significantly boosting the supply of housing. One additional unit would make a small contribution to that supply. It would re-use an existing building and the site is within an accessible location where there are a range of services and facilities. The proposal would also provide local economic benefits during the construction period. The future occupiers would also provide economic benefits to the local area once the development would be complete through their use of local shops and services. I attach positive, but limited weight to these benefits.
16. The proposal would result in significant harm to the living conditions of the future occupants of the proposed dwelling with regards to outlook. When assessed against the policies in the Framework when taken as a whole, the adverse impact to these living conditions of the future occupants would significantly and demonstrably outweigh the benefits of the proposal.

Conclusion

17. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal is dismissed.

J Smith

INSPECTOR