



Appeal Decision

Site visit made on 30 June 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

Appeal Ref: APP/J4423/W/25/3363847

52 Savage Lane, Sheffield S17 3GW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Peter White against the decision of Sheffield City Council.
 - The application Ref 24/02143/FUL was approved on 10 October 2024 and planning permission was granted subject to conditions.
 - The development permitted is alterations and extension to roof to form additional living space including raised ridge height, erection of single-storey extensions to both sides front and rear of dwellinghouse and alterations to existing garage to form additional living space (Amended scheme to replace 24/00068/FUL).
 - The condition in dispute is No 5 which states that: The proposed side windows to the side extension on the southeast elevation facing no. 58 Savage Lane shown in Proposed Ground Floor Plan Drawing No. 030_A_110 Rev. B, Proposed First Floor Plan Drawing No. 030_A_111 Rev. B, and Proposed Elevations 2 of 2 Drawing No. 030_A_131 Rev. B shall be fully glazed with obscure glazing to a minimum Level 4 Obscurity prior to the use commencing, and at no time thereafter shall these windows be glazed with clear glass.
 - The reason given for the condition is: In the interests of the amenities of adjoining property.
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Decision

1. The appeal is allowed and the planning permission Ref 24/02143/FUL for alterations and extension to roof to form additional living space including raised ridge height, erection of single-storey extensions to both sides front and rear of dwellinghouse and alterations to existing garage to form additional living space (Amended scheme to replace 24/00068/FUL) at 52 Savage Lane, Sheffield S17 3GW granted on 10 October 2024 by Sheffield City Council, is varied by deleting condition No 5.

Background and Main Issue

2. The subject planning application was an amended scheme of an approved application. Retrospective planning permission was granted for alterations and extension to the roof, erection of single-storey extensions, and alterations to the existing garage to form additional living space. The appeal before me seeks to remove condition 5 which relates to obscure glazing. I have no reason to disagree with the conclusions reached by the Council in respect of all other issues relating to the determination of the planning application.
3. Therefore, the main issue is the effect that removing condition 5 would have on the living conditions of the occupiers of 58 Savage Lane.

Reasons

4. The windows in question are adjacent to the boundary fence and serve numerous different rooms, including bedrooms, ensuite and storage room. These bedrooms are also served by an additional window, with the window facing the boundary being a secondary window. Furthermore, the room labelled as 'storage' also has a large roof light, which due to its size and height provides a meaningful outlook to the room. In addition, given the siting of the dwellings, the windows do not directly face No 58's windows. The other windows on the side elevation are a significant distance from No 58.
5. Due to the topography of the area, No 52 sits higher than No 58 and the windows are higher than the boundary fence. Previously there was a boundary hedge and conifer between the properties which have been removed.
6. The key windows of No 58 which are visible from the windows in question serve a garage, hallway, landing, and a bathroom (which has obscure glazing). Whilst the landing gives access to the bedrooms and bathroom, these are not main windows and are not rooms which occupiers would spend a significant amount of time in. There is also a driveway separating the dwellings. This driveway serves numerous dwellings and No 58's windows are also visible from the driveway due to its openness.
7. The windows relating to condition 5 also have views of the front garden area of No 58. However, the main, private garden of No 58 is located towards the rear and is of a good size with direct access from the rear of the property and is enclosed by dense hedging. In contrast, the front garden area is not private due to the low boundary wall and vegetation as well as its location adjacent to the highway. The driveway also does not form part of No 58's private amenity space.
8. Consequently, given the distance between the windows, use of No 58's windows and garden as well as the nature of No 52's windows, the proposal would not have an unacceptable effect on the living conditions of the occupiers of 58 Savage Lane. For the reasons set out above, I conclude that condition 5 is not reasonable or necessary and the removal of the condition would not result in unacceptable overlooking (including perception of overlooking) or loss of privacy.
9. The removal of the condition would comply with Policy H14 of the Sheffield Unitary Development Plan (1998) which states, amongst other things, that development will be permitted provided that it would not deprive residents of privacy. In addition, it would not conflict with paragraph 135 of the National Planning Policy Framework. This states that developments should be sympathetic to local character and create places with a high standard of amenity for existing and future users. Furthermore, it would comply with the Council's Designing House Extensions Supplementary Planning Guidance which states that extensions should protect and maintain minimum levels of privacy.
10. It has been highlighted that the obscure glazing condition relating to the western elevation (facing 50 Savage Lane) has been complied with. However, the appellant has only applied to remove condition 5, and the above specific circumstances justify the removal of the condition.

Conclusion

11. For the reasons given above the appeal should be allowed, and the original permission is varied by removing condition 5.

L Wilson

INSPECTOR