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Case Number	19/01761/FUL (Formerly PP-07860243)
Application Type	Full Planning Application
Proposal	Erection of a single storey rear extension, and erection of a rear raised patio area
Location	72 Banner Cross Road Sheffield S11 9HR
Date Received	15/05/2019
Team	South
Applicant/Agent	Mr Warren Brown
Recommendation	Grant Conditionally

## **Time limit for Commencement of Development**

1. The development shall be begun not later than the expiration of three years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

## **Approved/Refused Plan(s)**

2. The development must be carried out in complete accordance with the following approved documents:

Proposed Elevations Revision #2 (Ref: 19-16, A-006, Rev C), received 23rd July 2019;  
Proposed Plans Revision #2 (Ref: 19-16, A-005, Rev C), received 23rd July 2019.

Reason: In order to define the permission.

## **Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)**

## **Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)**

### **Other Compliance Conditions**

3. The proposed rear raised patio area shall not be used unless the privacy screen indicated on the approved plans has been provided. Thereafter such screens shall be retained.

Reason: In the interests of the amenities of occupiers of adjacent dwellings.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

## Site Location



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## LOCATION AND PROPOSAL

The application relates to a semi-detached three-storey dwellinghouse located on Banner Cross Road, in the Ecclesall area of the city. The site is in an allocated Housing Area as defined in the adopted Sheffield Unitary Development Plan. The locality is largely residential in character, predominantly consisting of semi-detached properties, with some detached, of Edwardian- and Victorian-era design.

The application site is faced in stone and brick with two bay windows at the front and one at the rear. It has Mock-Tudor timber cladding to the shared central gable in the middle of the roof space spanning both semi-detached dwellings. The property is set back from the highway somewhat by a front garden and also benefits from a generous rear garden.

Banner Cross Road runs on a North-West to South-East axis and the land gently slopes up towards the North-Western end of the road, where it meets Ecclesall Road South. At the application site, and at its semi-detached neighbour at no. 74, land levels also drop away to the rear of the dwellinghouses, such that the rear gardens are situated almost one-storey's height below the ground-floor level as accessed from the front. The garden of this dwelling, as well as neighbouring gardens, includes mature trees, some of which lie on the boundary between nos. 72 and 70, whilst the boundary between nos. 72 and 74 is characterised by a dense hedge.

This planning application seeks consent for the erection of a single-storey rear extension, and the erection of a rear raised patio area, which would adjoin to the proposed rear extension if granted planning permission.

## SUMMARY OF REPRESENTATIONS

A total of 56 comments have been received for this planning application, all of which are objections. There have been two sets of amended drawings since the original submission.

Immediate neighbours were notified of the original application by letter (dated 21/05/2019), and again by letter with regards to the second set of amended plans on 24/07/2019.

Six representations have been received from one of the four neighbouring properties that share a boundary with no. 72 Banner Cross Road, all in objection.

No representations have been received from the other three neighbouring properties.

A total of 23 representations have been received from outside the city of Sheffield.

Overall, the objections raise various issues and the material planning concerns that can be considered in this planning assessment are summarised below:

### Design

- The proposals would result in a high-quality original timber bay window incorporating stained glass being replaced by a poor-quality lean-to structure

incorporating poor-quality uPVC windows and bi-fold doors that would dominate the ground floor.

- The proposed windows and doors would not match the materials, or the alignment, or the proportions of the existing rear windows.
- The tall and oppressive structure would adversely affect the character and appearance of the host property.
- The extension would not remain subservient to the main dwelling by being inset from the side walls, and would therefore dominate the ground floor of the house.
- The privacy screen would be an unattractive feature to look at, being unsightly and over-powering.
- The proposed extension will dominate due to its size and height and will be ugly.
- The privacy screen/fence is relatively high.
- The proposed development is disproportionate to the site.

### Amenity

- The proposals will have significant impacts upon quality of life, privacy and security.
- The tall and oppressive structure of the proposed extension abutting the boundary with no. 74 Banner Cross Road would be highly visible, and cause a significant overbearing impact and loss of light adversely affecting both the rear windows and rear terrace area at this property.
- The solid side elevation of the extension will entirely block the sun as it rises for no. 74, as the property faces north-east.
- The creation of a large raised outdoor amenity space abutting the boundary with no. 74 would cause overlooking of the rear windows at both ground- and first-floor levels, the rear terrace and the rear garden of this neighbouring property.
- The proposals will lead to an increased sense of enclosure to no. 74.
- The development would also result in issues with overlooking and loss of privacy for the neighbours at no. 70 Banner Cross Road and the house that backs onto no. 72.
- The inclusion of a solid 1.8m-high privacy screen in close proximity to the boundary with no. 74 would cause a significant overbearing impact, a loss of light and over-shadowing, adversely affecting both the rear windows and rear terrace at no. 74.
- The plans do not adhere to the 45 degree rule, which is a good practice guide to assess impacts in terms of daylight and sunlight. At present, the rear of no. 74 at ground-floor level enjoys sunshine during mid-morning. By comparison, the proposed extension and privacy screen would block out all sunlight to the rear at ground-floor level during mid-morning.  
N.B. one representations included a sunlight impact assessment, which has been considered.
- It is accepted that the proposed privacy screen is intended to address issues with overlooking, but the introduction of this feature would significantly exacerbate issues with a loss of light when compared with the original proposed plans, and would result in increased reliance on electric lighting.

- There will be unacceptable over-looking, over-shadowing and over-bearing of the garden (N.B. the affected garden is not stated in the comment).
- Several second comments were received from individuals re-stating original concerns after plans were amended, some feeling that the proposed changes would exacerbate previously discussed issues.
- The privacy screen will block more light from entering no. 74, resulting in an unacceptable negative impact on quality of life.
- The introduction of the privacy screen will negate the benefit of sitting outside at no. 74.

### Other Issues

- Concerns that this application will set a precedent for similar future designs to be acceptable in the neighbourhood.
- Because neither the proposed rear extension nor raised terrace can be constructed by utilising Permitted Development Rights, there is no 'fall-back' position. As such, the application should be determined in accordance with the Council's adopted policies and the NPPF.
- Views from the dining room window at no. 74 will be blocked.

All the above issues will be explored in the assessment below. In addition the following issues have also been raised, but are unable to be taken into consideration, because they reflect issues or themes that are not material planning considerations (N.B. each issue is followed by the reason it cannot be factored into the planning process):

- The health and wellbeing of the householders at no. 74 Banner Cross Road. Such information has not been disclosed to planning officers by the individuals themselves.
- Lack of consultation by the applicant with neighbours is unreasonable. Statutory planning processes do not demand consultation to be undertaken by applicants. Responsibility for this aspect lies with the Local Planning Authority and separately with the applicant prior to construction under the Party Wall Act.
- Exposure to excessive noise and disruption at no. 74 as a consequence of the development at no. 72. Environmental Protection Regulations would cover noise nuisance and other effects to neighbours.
- The proposals would decrease the value of neighbouring property. This is an issue which is not able to be considered as a material planning concern.

## PLANNING ASSESSMENT

### Design

UDP policies BE5 and H14, and Core Strategy policy CS74, expect good quality design in keeping with the scale and character of the surrounding area. Good building design is also reflected in UDP policy BE5. Also relevant is the Supplementary Planning Guidance (SPG) on 'Designing House Extensions' which sets out design and privacy standards.

Whilst these policies and documents outline the requirements of development to meet high standards of design, it should be noted that this application proposes development that is solely at the rear of the dwelling. The proposals will not be visible from the street, only from the rear elevations and gardens of neighbouring properties.

The total length of the proposed development is 3.5 metres, measured from the existing rear elevation of the house. It comprises two distinct elements: a single-storey, ground-floor-level extension stretching the width of the rear elevation, projecting 1.575m adjacent to the boundary with no. 74; and a raised patio area projecting 1.925m from the rear elevation of the proposed extension. This raised patio, at 3.19m wide, is less wide than the extension and narrows slightly at a set of steps descending adjacent to the rear elevation of the extension. It is also set in, away from the boundary with no. 74, by 0.5m.

The privacy screen is proposed at a height of 1.8 metres measured from the floor level of the raised patio area. In dialogue between officers and the architect, this height was advised on the basis of a person's average height, in order to reduce the risk of over-looking to a reasonable level. It is considered that this feature of the proposals, in conjunction with the 0.5m gap between the raised patio area and the boundary with no. 74, is acceptable in this form.

This property, like some others nearby, has a rear bay window serving the dining room which may be a feature that can be considered characteristic of the period in which the dwelling was built. However, it is not located in a Conservation Area or an Area of Special Character and so, not being publicly visible, whilst unfortunate, it is not deemed to be harmful to the character and appearance of the dwelling or the locality if it is removed.

The mono-pitched roof of the proposed extension will be at a similar angle to that of the rear slope of the pitched roof to the main house, establishing a close link in design terms between the original house and the extension.

The proposed kitchen window opening will not align with the first-floor window above. However, it will closely mirror the equivalent window opening at the adjoining semi-detached property, as well as being visually similar to the first-floor bedroom window situated above right when no. 72 is viewed from the rear. The proposed bi-fold doors providing access from the extension onto the rear raised patio area will not fully align with the window above it, but are not expected to appear incongruous, particularly as they will be of a similar width to the width of the existing bay window. As none of the proposed development will be visible in the public realm, the misalignment of the proposed glazing is not considered to be severe enough from a design perspective to warrant a refusal of this planning application.

The proposed extension and raised patio area will for the most part be built of matching materials – in terms of the existing and proposed brick colour/type and uPVC windows (with the exception of the existing timber-framed bay window). Materials of a visually-similar nature to other features of the rear of the dwellinghouse are proposed for the remaining elements, such as the roof tiles. Although the timber privacy screen will introduce a new material into the palette, it is felt to be suitable for the intended purpose and design, and not out of character with the overall palette of materials.

### Amenity/Living Conditions

UDP policy H14 states that new development in housing areas should not cause harm to the amenities of existing residents. Core Strategy Policy CS74 requires new development to contribute to the creation of successful neighbourhoods. It is important to bear in mind that the impact of these proposals on the surrounding neighbourhood is likely to be minimal given the scale and that it is not visible in the public realm.

In relation to the existing footprint of the dwellinghouse and the generously-sized rear garden, the proposed extension can be considered to be relatively modest. It would leave over 20 metres to the back boundary from the rear elevation of the extension, ample garden space from the perspective of amenity.

### Overbearing Impact

Guideline 5 of the SPG 'Designing House Extensions' states that a single-storey extension built adjacent to another dwelling may not extend more than 3m beyond that other dwelling. The extension and privacy screen will form a staggered side elevation facing towards the garden of no. 74, and so the proposals in effect extend 3.5m in total from the rear elevation of the original house. However, the gap of 0.5m between the side elevation of the raised patio and the boundary goes some way to mitigate the impact on overbearing levels at the adjacent property.

There are no level differences between the application site and the adjoining dwelling at no. 74. Both sites do however exhibit the same level differences within their curtilages – with the land sloping away across the sites as distance from the highway increases – such that the ground-floor level at the rear of both dwellings is elevated above the 'natural ground level' of the rear gardens. No. 72 does not have a habitable lower-ground-floor level or any full-size openings in the rear elevation at lower-ground-floor level, and the same is true for no. 74. In any case, the presence of raised decking at no. 74 creates substantial over-shadowing and over-dominance to any accommodation or useable amenity space at lower-ground-floor level there. The area of proposed extension below ground floor level therefore has little or no impact upon the amenity of no. 74.

The main focus in assessing potential overbearing impacts of this proposal is therefore on the ground-floor level of no. 74.

The proposed single-storey rear extension will project 1.575m from the rear elevation of the dwelling. At present, the existing bay window has a maximum depth of



approximately 1.25m. As the rear bay window at no. 74 appears to be identical, it is estimated that the proposed extension would project an additional 0.27m beyond this bay window and along the boundary at no. 74. In this way, the proposed extension – the only element of the proposals that would be adjacent to the boundary – comfortably satisfies the maximum 3m projection of Guideline 5 of the SPG.

Guideline 5 also states that the maximum acceptable projection of a single-storey extension adjacent to a boundary could be reduced 'if there would be a large decrease in direct sunlight to a neighbouring dwelling'. The rear elevations of the application site and its semi-detached neighbour face north-east, so it is very likely that the proposed extension could reduce the amount of direct early morning sunlight reaching the adjacent room at no. 74. However, the orientation of these dwellings suggests that at present this room receives direct sunlight for some of the morning only, before the sun passes over the roof of the dwelling. Therefore, whilst a reduction in sunlight is unfortunate (as is a partial loss of a view), it is not felt that this anticipated reduction constitutes a 'large decrease' as stated in Guideline 5, and so it is not possible to countenance a refusal of this application on this basis.

Reference was made in one comment to the fact that the plans do not adhere to the 45 degree rule. Guideline 5 of the SPG demands that this rule be applied to two-storey extensions, or single-storey extensions where there are level differences between properties. This rule has not been applied in assessing this application and its amendments due to it being a single-storey extension in a location where the adjoining property is at the same level and again noting the presence of the deck at no 74 mitigating any impact on the lower ground level of that property.

The proposed design of the privacy screen closely resembles common fencing boundary treatments and so in many cases would be a typical feature along a boundary, often constructed under permitted development. It is acknowledged that this this could not be the case here given the level differences, however, given that it projects only 3.5m from the rear of the original dwelling, and that the neighbours decking at no 74, projects in the order of 2.15m, it is noted that the screen extends less than 1.5m beyond the edge of the deck at no 74. This level of projection and it being set in from the boundary by 0.5m means it will not have a significant overbearing impact upon the area below the deck at no.74, and will be have a similar or lesser impact than that of a typical boundary fence at deck level.

In summary, in combination the extension and raised patio area with privacy screen are not considered to result in an overbearing impact, or significant loss of sunlight and as such are considered to comply with SPG Guideline 5 and the aims of policy H14 of the UDP and para 127 of the NPPF.

## Privacy

Ensuring that minimum levels of privacy are maintained and protected for all neighbours as well as the applicants is essential. The distance between the north-eastern edge of the raised patio (not including the steps) and the boundary of the curtilage of no. 72 with no. 70 is approximately 4 metres. This is deemed to be adequate distance and not problematic in terms of privacy levels. The distance from the furthest edge of the raised patio area to the rear boundary of the curtilage of the

dwelling is approximately 22 metres, which is also not problematic from a privacy point of view and conforms to the standards of Guideline 6 of the SPG.

It is possible that when occupying the proposed raised patio area, views of the furthest half of no. 74's garden may be gleaned. For a property and garden of this size, priority must be given to the privacy of the portion of garden space closest to the rear elevation of the dwelling, and the rear elevation itself. It is considered that the proposed privacy screen achieves the maintenance and protection of minimum privacy levels for this area of the dwelling. In terms of gaining views towards the rear of the garden, this is considered no worse than the current view possible from the existing raised deck at no.74 or the rear first-floor windows at both dwellings – an accepted feature of semi-detached properties in many locations.

The side elevation of the proposed single-storey extension does not present any issues in terms of a loss of privacy as there are no windows or other openings proposed in the side elevation. At present, due to the design and configuration of the bay windows of these two properties and the current absence of privacy screening on the boundary at this height, it is possible to stand in one bay or, on the raised decking at no. 74, and look into the neighbouring bay with minimal obstruction. Therefore, from this perspective, the proposed extension can be considered to represent an improvement in privacy levels for both dwellings. As such this aspect of the scheme meets the aims of Guideline 6 of the SPG, policy H14 of the UDP and para 127 of the NPPF.

### Other Issues

Each planning application must be assessed on its own merits. Several examples of similar development to the rear of dwellings already exist in the locality, for example at nos. 92, 56 and 42. These do not set a precedent and if this application were to be granted, it would still remain that any future applications should be considered on their individual merits.

It is acknowledged that views from within the bay window or on the raised decking at no. 74 looking across the application site will be in part eliminated by the proposals. However, in planning terms, this view at present is felt to be 'borrowed' from no. 72 and the space immediately below and behind the existing rear elevation of no. 72 is not protected from over-looking. The views in other directions from the rear of no. 74 will not be affected by these proposals and are of a relatively high quality due to the amenity provided by mature trees and landscaping in the immediate vicinity.

### SUMMARY AND RECOMMENDATION

The proposed single-storey rear extension and rear raised patio is considered acceptable from a design and amenity perspective and would not detrimentally affect the character and appearance of the dwelling nor significantly harm neighbouring living conditions.

In summary, the proposal is considered to accord with the provisions of the Unitary Development Plan, adopted SPG guidance, the Core Strategy and the National

Planning Policy Framework. It is recommended that planning permission is granted conditionally.

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