



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 2 February 2016

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

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Summary:

List of all newly submitted planning appeals and decisions received, together with a brief summary of the Inspector's reason for the decision

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
2 February 2016

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

This report provides a schedule of all newly submitted planning appeals and decisions received, together with a brief summary of the Secretary of State's reasons for the decisions.

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for single-storey front/side extension to dwellinghouse at 227 Ecclesall Road South Sheffield S11 9PN (Case No 15/03136/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against (a) the delegated decision of the Council to refuse planning consent for use of ground floor double garage and utility area as a one bedroomed apartment including replacement of garage doors with windows at 31 Rosamond Close Sheffield S17 4LU (Case No 15/00472/FUL); and (b) an associated application for costs to be awarded to the appellant have been dismissed.

Officer Comment:-

(a) The Inspector identified the main issue as whether the proposed apartment to be located in the ground floor garage beneath two apartments would offer satisfactory living conditions for future occupiers, particularly in respect of noise disturbance and outlook.

She agreed with officers that the close proximity of the parking area for the 3 apartments to the habitable room windows of the proposed apartment was such that the future occupiers would experience a significant amount of noise and disturbance associated with vehicle movements.

She also agreed that the applicant's attempt to resolve this with planters as a buffer would create a poor outlook.

She noted that the Council cannot currently demonstrate a five year housing supply and in the context of the NPPF therefore considered the presumption in favour of sustainable development, however she felt the provision of one

dwelling, and the visual benefits provided by the proposal were significantly and demonstrably outweighed by the fact that future occupiers would not be provided with satisfactory living conditions having particular regard to noise, disturbance and outlook.

(b) The appellant made a costs application arguing that the Council failed to take account of the NPPF and to carry out a balancing exercise, by attributing weight to each material consideration, and failed to take account of the benefits of the scheme.

The Inspector notes an absence of reference to the NPPF in the officer's report but that it goes into some detail in respect of failure to comply with the development plan (UDP Policy H5) which is a requirement of the NPPF. She also notes it is clear that other impacts were considered and weighed against its adverse impact.

Although she agreed with the appellant that the lack of five year housing supply ought to have been mentioned, and could be considered unreasonable, it had not caused the appellant unnecessary delay or additional work. Neither did she feel the Council had behaved inconsistently.

Both the substantive appeal and the costs application were dismissed.

(ii) An appeal against the delegated decision of the Council to refuse planning consent for erection of a dwellinghouse at Curtilage Of 164H Birley Spa Lane Sheffield S12 4BQ (Case No 14/01467/OUT) has been dismissed.

Officer Comment:-

The Inspector considered that the main issues were whether the proposed dwelling would provide satisfactory living conditions for future occupiers having regard to light; and the effect of the proposal on the character and appearance of the area, with particular regard to the effect on the 3 TPO trees to the rear of the site.

The Inspector noted that the proposed dwelling would be in very close proximity to the large mature trees and that they would dominate the rear elevation and garden of the proposal. The effect would be exacerbated by the orientation of the plot and the Inspector felt that the direct sunlight received by the new dwelling and its garden would not be enough and that the retained trees would significantly overshadow the proposed dwelling and rear garden. In this respect he concluded that the proposed dwelling would not provide satisfactory living conditions for future occupiers.

On the issue of character and appearance the Inspector also concluded that the removal of the maple tree would mean the loss of an important specimen within the mixed group and would be detrimental to the character and appearance of the area. He stated that if the dwelling was to be built there would be pressure to remove the trees in the future, particularly as they have

not reached full maturity. He considered that the proposal would have an adverse impact on the character and appearance of the area and concluded that the proposal would be contrary to UDP Policy GE15 and Core Strategy Policy CS74.

5.0 RECOMMENDATIONS

That the report be noted

Maria Duffy
Acting Head of Planning

2 February 2016