



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 20th September 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
20 SEPTEMBER 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 advertisement consent for 1x internally illuminated free-standing sign at Unit 5A Leopold Square Sheffield S1 2JG (Case No 16/01664/ADV)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for a two/single-storey rear extension to dwellinghouse including glass balustrade at upper ground floor level (Resubmission of 15/03157/FUL) at 112 Westwick Crescent Sheffield S8 7DJ (Case No 16/01439/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the decision of the Council at its meeting of 15/03/2016 to refuse with enforcement action planning consent for siting of a log cabin to rear of garden (Retrospective Application) at 38 Sandy Acres Close Sheffield S20 7LT (Case No 16/00263/FUL) has been dismissed.

Officer Comment:-

The Inspector considered that the building dominates the appeal garden and detracts from the open layout of the neighbourhood, appearing unacceptably out of scale and obtrusive. She concluded that the cabin appears overbearing and to cause a loss of outlook from the garden at number 32 adjacent, as well as overshadowing due to the orientation of the garden, thus unacceptably reducing the ability of the occupier of 32 to make reasonable enjoyment of their garden. She therefore dismissed the appeal.

(ii) An appeal against the delegated decision of the Council to refuse advertisement consent for a freestanding 48 sheet LED advertising unit at Motorpoint Arena Broughton Lane Sheffield S9 2DF (Case No 16/00108/HOARD) has been dismissed.

Officer Comment:-

The Inspector considered that, due to its size and height, the hoarding would be a prominent feature in views from the surrounding area, particularly along the adjacent major highway. It would appear an isolated and alien feature intruding into the street scene, exacerbated by the proposed illuminated LED screen. For this reason he considered the sign to be in conflict with UDP policy BE13 and the National Planning Policy Framework and dismissed the appeal.

(iii) An appeal against the delegated decision of the Council to refuse planning permission for the erection of a bungalow at the curtilage Of 351 Hall Road Sheffield S9 4AF (Case No 15/03189/FUL) has been dismissed.

Officer Comment:-

The Inspector concluded that the footprint of the proposed bungalow and its single storey nature would be at odds with the character of the area, which consists of the rear gardens of neighbouring properties where built development is restricted to small scale ancillary buildings (sheds and garages) giving a generally undeveloped appearance where there are no other dwellings. As a result the dwelling would appear incongruous with the existing pattern of development and the street scene. It would therefore cause harm to the character and appearance of the area, contrary to UDP, Core Strategy and national policies.

The Inspector also concluded that the lack of adequate vehicular turning facilities on the site would result in vehicles reversing onto Handsworth Road which would be detrimental to road safety.

For these reasons the Inspector dismissed the appeal.

(iv) An appeal against the delegated decision of the Council to refuse planning permission for the conversion of part of flower shop to flat (re-submission of 14/04166/FUL) at Katie Peckett 884 Ecclesall Road Sheffield S11 8TP (Case No 15/04040/FUL) has been dismissed.

Officer Comment:-

The Inspector noted the main issue was the effect on the living conditions of future occupiers, particularly with regard to outlook, light and ventilation.

She considered that the bedroom would be poorly served with natural light, and the outlook from the lounge kitchen area, at a fence only 2m away would provide a poor outlook for future occupants.

She did not consider the proximity of domestic bins storage to adversely affect opportunities for ventilation, nor did she feel the scheme represented overdevelopment, feeling that adequate external amenity space was provided.

She therefore dismissed the appeal as harming living conditions of future occupants in respect of outlook and light, contrary to UDP policies H5 and S10 and paragraph 17 of the NPPF.

(v) An appeal against the delegated decision of the Council to refuse planning permission for the erection of a boundary wall at 2 Knowle Croft Sheffield S11 9SR (Case No 15/04566/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the boundary wall on the character and appearance of the area.

She identified the main characteristic of boundary treatments in the area was low, mainly stone walls and hedges, and considered the proposed wall's 1.8m to 2.1m height, along a length of over 12m would be intrusive and out of character with the street scene, in conflict with policy CS74 of the Core Strategy and dismissed the appeal.

(vi) An appeal against the delegated decision of the Council to refuse planning permission for a three-storey/single-storey rear extension, first and second floor side extension to form two flats above shop at Age UK 221 Fulwood Road Sheffield S10 3BA (Case No 15/02668/FUL) has been dismissed.

Officer Comment:-

The main issues were (i) whether the proposals would preserve or enhance the character or appearance of the Broomhill Conservation Area (CA), and (ii) the effect of the proposal on the living conditions of neighbouring occupiers, having regard to odour and light.

The Inspector agreed with officers that the cumulative effect of alterations to the roof of the building would appear as an awkward and incongruous feature, detracting from the special character of no's 213-219 Fulwood Road, so would fail to preserve or enhance the character and appearance of the CA. He was mindful of the provision of two flats in an area of demand for housing but although the harm to the CA was less than substantial, this benefit did not outweigh the harm.

He agreed with the Council that the proposal would leave adjacent flats with a poor level of natural light and that despite lack of objection from the residents, this would represent unacceptable living conditions, contrary to the aims of UDP policy S10.

He did not agree however that the proposal would result in unacceptable odours from bin storage areas adjacent to the flats.

(vii) An appeal against the decision of the Council at its meeting of 19/01/2016 to refuse planning permission for the change of use from retail (Use Class A1) to a betting shop (Sui Generis) including minor external alterations (as per amended plans received 06.11.15) at Site Of Pasha 190 London Road Sheffield S2 4LT (Case No 15/03286/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect the change of use would have on the vitality and viability of London Road District Shopping Centre (LRDSC).

He noted the unit was currently vacant and the balance of uses within the LRDSC was 42% retail 58% non-retail and agreed that retail uses were not

dominant as required by UDP policy S10.

The policy allows for further loss of retail units where there is no prospect of a preferred A1 retail use coming forward, but the Inspector did not consider that the extent of evidence submitted by the appellant, or the period of unsuccessful marketing (7-8 months) was sufficient to demonstrate there was no prospect of future retail use.

The Inspector noted the potential benefits of reuse of the building and associated improvements in its condition, but felt there was no evidence to suggest these would be any greater than those associated with a preferred retail use. He gave little weight to a similar case in Doncaster raised by the appellant, and dismissed the appeal for failure to comply with policy S10.

4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to grant conditionally planning consent for application to amend with condition 2 (Approved plans) imposed by planning permission 12/02972/FUL (Erection of 27 apartments in 1 x 3/4 storey block with associated car parking accommodation (Application under Section 73)) at The Hill (Former Uppertorpe School) Daniel Hill Walk Sheffield (Flats, 59-63, 63A, 65, 67 And 69 Daniel Hill Mews) (Case No 15/01727/FUL) has been allowed.

Officer Comment:-

The appeal was made over the wording of a number of the conditions. And the Inspector considered whether each of the disputed conditions continued to fulfil a necessary and reasonable planning purpose. As a result, a number of conditions were refined, a number amended to take into account the current circumstances and a number discharged or removed as they were no longer necessary

A costs application was made by the appellant but unreasonable behaviour resulting in unnecessary expense was not demonstrated so the award of costs was not justified.

(ii) An appeal against the delegated decision of the Council to refuse planning permission for the erection of first-floor side extension to dwellinghouse (re-submission of 15/02725/FUL) at Barnes Green House Elliot Lane Sheffield S35 8NR (Case No 16/00454/FUL) has been allowed conditionally.

Officer Comment:-

The main issues were whether the proposal would be inappropriate development in the Green Belt, the effect on the openness of the Green Belt and the effect on the character and appearance of the area.

The National Planning Policy Framework (NPPF) in para 89 states that extensions would not be inappropriate development provided that it does not result in disproportionate additions over and above the size of the original

building. This is more flexible than the Council's UDP policy GE6 and Guideline 9 of the "Designing House Extensions" Supplementary Planning Guidance which seek to restrict extensions to 33% volume over and above the volume of the original house and for larger properties, a more modest increase.. Taking this into account, The Inspector was of the view that the proposed extension was to a larger house but was not disproportionate and therefore not inappropriate.

As the proposal was not inappropriate, it could not be harmful to the openness of the Green Belt.

The Inspector also considered that the proposed extension would not be widely visible and the setting of Banes Hall, a listed building, would not be adversely affected. The removal of a flat roof would be a visual benefit.so there would be no detrimental impact on the character of the area. Accordingly, the appeal was allowed.

5.0 RECOMMENDATIONS

That the report be noted

Mike Hayden
Head of Planning

20 September 2016