



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Interim Head of Planning

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**Date:** 13 December 2016

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**Subject:** RECORD OF PLANNING APPEALS  
SUBMISSIONS & DECISIONS

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**Author of Report:** Claire Woods 0114 2734219

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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

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**Reasons for Recommendations**

**Recommendations:**

To Note

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**Background Papers:**

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**Category of Report:** OPEN

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## DEVELOPMENT SERVICES

REPORT TO PLANNING &  
HIGHWAYS COMMITTEE  
13 December 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 alterations to front window opening to form door opening and provision of external seating area including erection of jumbrella at The Place Nile Street Sheffield S10 2PN (Case No 16/03026/FUL)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to Grant Part and Refuse Part advertisement consent for 1 no. externally illuminated post sign, 1 no. externally illuminated letters sign, 1 no. internally illuminated display case at The Place Nile Street Sheffield S10 2PN (Case No 16/03032/ADV)

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the removal of entrance porch, provision of timber cladding to two-storey front projection and provision of render to section of side elevation at The Place Nile Street Sheffield S10 2PN (Case No 16/03025/FUL)

### 3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for alterations to ground floor of building for use as hot food take away (Use Class A5) with ancillary seating area and installation of extraction equipment to the rear at 126 Birley Spa Lane Sheffield S12 4EJ (Case No 16/01299/FUL) has been dismissed.

Officer Comment:-

The Inspector considered that the two main issues in this case were the effect of the proposal on the vitality of the shopping parade and the effect of the scheme on the living conditions of residents in the vicinity.

On the first issue the Inspector noted that there are already 6 hot food

premises in the parade and have a significant presence. Most do not open during the day and as such have a negative effect on the character and vitality of the centre. The addition of a further similar use would further erode the centre and prejudice the dominance of shops, contrary to adopted policy.

On the second issue, the Inspector considered the position of the flue to be completely inappropriate, being immediately outside the windows of residential flats and having the potential to cause significant harm to living conditions through noise, vibration and fumes, contrary to adopted policy.

The appeal was dismissed and enforcement action is ongoing to seek the removal of the unauthorised flue.

(ii) An appeal against the delegated decision of the Council to refuse planning consent for a two-storey side/rear extension, single-storey rear extension and formation of gable end at 21 Glenorchy Road Sheffield S7 2EL (Case No 16/01695/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issues as the effect of the proposed development upon :-

- The character and appearance of the area; and
- The living conditions of adjoining occupiers.

She noted the dwelling was one of a pair of very symmetrical semi-detached dwellings with hipped roofs on a prominent corner at the junction of Glenorchy Road and Bannerdale Road.

She considered the side extension to be too wide and flush with the front elevation, which when combined with the use of a gable roof, resulted in an extension which would be too big and disproportionate, spoiling the symmetry. She felt this would be incongruous and prominent in the street scene and added that similar extensions nearby do not justify further harm. In this respect the development would adversely affect the character and appearance of the area in conflict with para 60 of the NPPF and Guidelines 1 and 2 of the Council's SPG.

In terms of living conditions she agreed with officers that owing to the angle of the property to the adjacent house on Glenorchy Road would result in significant loss of privacy to 19 Glenorchy Road from a rear bedroom window very close the boundary in conflict with the Council's SPG. She did not however agree that the extension would be overbearing to this neighbour.

She noted the appellant's large family and that medical issues require one child to have their own bedroom but stated these issues did not outweigh the harm identified, and dismissed the appeal.

(iii) An appeal against the delegated decision of the Council to refuse planning consent for a second-floor extension to dwellinghouse (Re-submission of

15/01394/FUL) at 200 Norton Lane Sheffield S8 8HB (Case No 16/01351/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issue to be the effect of the extension upon the character and appearance of the host dwelling and the street scene.

She noted the dwelling is an art deco semi-detached house with a distinguishing curved parapet which is a strong feature of the pair of dwellings at upper floor level.

She agreed with officers that the extensions would erode the characteristic features of the dwelling and completely spoil its symmetry. This concern was exacerbated by the prominent location of the pair of dwellings.

As such she agreed also that the extension would harm the character and appearance of the host dwelling in conflict with the Council's guidelines and the NPPF, and dismissed the appeal.

#### 4.0 APPEALS DECISIONS - WITHDRAWN

(i) An appeal against the delegated decision of the Council to refuse planning consent for the demolition of car showroom and associated buildings and erection of mixed use development comprising four blocks ranging from 6-12 storeys in height to provide 2027m<sup>2</sup> of retail space, 130 residential apartments, 44 student cluster flats (209 beds) with subterranean car parking accommodation, associated landscaping works, external bin store, cycle parking and electricity substation at 245 Ecclesall Road Sheffield S11 8JE (Case No 15/01180/FUL) has been withdrawn.

Officer Comment:-

This has been withdrawn following the recent grant of permission for an alternative scheme (ref:16/03159/FUL).

#### 5.0 APPEAL – ENFORCEMENT NOTICE

(i) To report that an appeal against an Enforcement Notice served in respect of the unauthorised installation of replacement UPVC windows at 16 Moor Oaks Road has been dismissed and the notice is upheld.

Officer Comment:-

The appellant appealed the service, in February 2016, of an enforcement notice which required the removal of the upvc windows within 6 months. The appellant appealed on grounds a), c) and f) (see below) of s174 of the Town and Country Planning Act :-

Ground a) - that planning permission should be granted for the works; and

Ground c) – that the works do not require planning permission; and  
Ground f) – that the steps required to be carried out to remedy the breach are excessive

The Inspector considered ground c) first and noted that as a mid-19<sup>th</sup> Century dwelling in the Broomhill Conservation Area that is subject to an Article 4 Direction removing Permitted Development rights. The appellant claimed no knowledge of the Article 4 direction but the Inspector makes it clear that such matters are the owner's responsibility. The appellant also stated he acted on the requirements of the Council's Private Sector Housing team in replacing the windows but the Inspector confirmed this did not avoid the need for planning permission. He concluded on ground c) that the windows were clearly significantly different from the originals and planning permission was needed, confirming that the ground c) appeal fails.

For ground a) the main issue was the impact of the replacement windows on the character and appearance of the conservation area. He noted the attractive, coherent nature of the street scene and that the original windows were traditional timber sliding sashes. He considered the upvc windows lack the fine detailing, opening mechanism and texture of painted timber and the removal of the original stone mullion at first floor level had distorted the proportions of the windows. He concluded therefore that they were out of character with the host property.

He noted the street contained a number of examples of traditional sliding sash windows being replaced with upvc, to the detriment of the character and appearance of the area and that the purpose of the Article 4 Direction is to halt such erosion of character and reintroduce traditional features when replacements are sought. He noted this was a long but worthwhile process for the benefit of the Conservation area as a whole. He concluded therefore that the windows were harmful to the host property, the street scene and the Conservation Area in conflict with policies BE15, BE16 and BE19 of the UDP, and CS74 of the Sheffield Local Plan Core Strategy.

He noted that the appellant's letter from the Council's Private Sector Housing team required upvc replacement but also that it required the owner to obtain any necessary consents and is not therefore justification for replacing the windows in their present form. The ground a) appeal therefore failed.

In terms of ground f) the appellant suggested lesser steps (than removal) could remedy the situation, either accepting the Council's letter as mitigation, or seeking a financial contribution from the Council towards the replacement of the windows. The Inspector regarded neither as appropriate steps and concluded that no lesser steps than specified in the notice would address the breach. Ground f) therefore failed.

The enforcement notice was therefore upheld.



## 6.0 RECOMMENDATIONS

That the report be noted

Flo Churchill  
Acting Head of Planning

*13 December 2016*