



Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Date: 17 September 2024

Report of: The Head of Planning

Report to: Planning and Highways Committee

Author of Report: Abby Hartley

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

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 a double-sided internally illuminated digital 6 sheet advertising panel on new bus shelter at shelter where Ecclesall Road meets Moore Street, Sheffield, S3 7UW (Case No: 24/01083/HOARD).

(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 double-sided digital 6 sheet advertising panel on new bus shelter at bus shelter outside 87-89 Wicker, Sheffield, S3 8HS (Case No: 24/01025/HOARD).

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for a double sided digital 6 sheet advertising panel on new bus shelter at Prince of Wales Road – adjacent to Fairleigh, Sheffield, S2 1HJ (Case No: 24/01022/HOARD).

(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the retention of storage/ garage building at Harrison Springs, Penistone Road, Sheffield, S35 1WN (Case No: 23/01944/FUL).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of roof to external rear stairwell and alterations to fenestration of flat at Unit 8, 3 Kenwood Road, Sheffield, S7 1NP (Case No: 23/02822/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issues to be a) the effect of the proposal

on the character and appearance of the host building and whether it would preserve or enhance the character or appearance of the Nether Edge Conservation Area (NECA); and b) the effect on the living conditions of the occupiers of Flat 7 regarding overlooking.

In terms of a) they considered the roof would add considerable bulk to the fire escape, would be dominant and would cut across the gable at the rear of the property.

It would form a disjointed feature, exacerbated by the presence of a rooflight at a lower height than others. The Inspector agreed with officers that the overall appearance would be cluttered. Prominent and incongruous resulting in less than substantial harm to the NECA.

Such harm has to be weighed against public benefits and the Inspector considered the small scale economic benefits from construction activity, better weather protection, associated safety benefit and energy conservation were all of limited weight, and were not sufficient to outweigh the harm to the NECA.

With regard to b) the Inspector agreed with officers that the proposals would adversely affect existing arrangements and restrictions over access and openable windows that would be to the detriment of the living conditions of Flat 7.

The appeal was dismissed owing to conflict with the development plan.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of Valmont 20m high phase 7 Mk2 streetworks pole and associated ancillary works (Application to determine if prior approval required for siting and appearance) at land at corner of Rotherham Road and Retford Road, Handsworth, Sheffield, S13 9LJ (Case No: 24/00565/TEL) has been allowed.

Officer Comment:-

The Inspector identified the main issue as the effect of the siting and appearance of the installation on highway safety, with particular regard to pedestrian safety and future highway works.

The site is a grassed highway verge with footways adjacent to a residential area but with an adjacent site that has an extant planning permission for a large food retail store, a condition of which is the provision of highway improvement works. Officers identified conflict with the proposed siting and the highway works, leading to the refusal.

In the absence of full details of the future works or a guarantee of such works taking place, the Inspector did not agree with officers that the conflict would

prevent implementation of the works or result in pedestrian safety issues. The Inspector accepted the appellants discounting of alternative sites and considered the proposed siting acceptable, and therefore allowed the appeal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the demolition of rear porch and erection of a single-storey rear extension to dwellinghouse at 7 Upperthorpe Glen, Sheffield, S6 3GZ (Case No: 23/03628/FUL) has been allowed.

Officer Comment:- The main issues were:

- The effect of the development on the character and appearance of 7 Upperthorpe Glen and the surrounding area.
- The effect of the development on the living conditions of 9 Upperthorpe Glen with particular regard to outlook and daylight.

Character and appearance

The Inspector observed the context to be that the site is a two-storey, red bricked middle-terraced house that is part of a short series of terraced properties and is located in an established residential area. They further noted that the dwellings are set back significantly from the public highway, which has a steep incline and are set down from the land level of the pavement.

Because of that incline the Inspector noted that the roofscape of the terrace is a prominent feature that can be viewed from the public highway. However, they noted that similar development has taken place at 1 and 3 Upperthorpe Glen, resulting in an irregular building line along the short series of terraced properties and also the flat roof design of those neighbouring extensions. It was the Inspectors opinion therefore that the development would not harm the character and appearance of the surrounding area taking into account each of those considerations and the flat roof design of the proposal, which was found to be suitably in keeping.

Living conditions

In the view of the Inspector the main consideration was in relation to the impact of the extension on No.9 Upperthorpe Glen. When considering the implications of the proposal the Inspector noted the presence of an existing extension on that property. That combined with the limited height of the proposed extension including its flat roof design would avoid the proposal appearing substantially tall or bulky and would avoid creating too greater sense of enclosure in their opinion. Also because of those characteristics the Inspector also felt that the proposal would not have an adverse impact on the living conditions of the occupants of 9 Upperthorpe Glen with regards to loss of daylight and outlook in particular.

Overall, the Inspector judged the proposals to be acceptable in relation to both the impact on the character and appearance of the area and upon the living conditions of neighbouring properties and allowed the appeal.

(iii) To report that an appeal against the non-determination of a planning application for the erection of a dwellinghouse with associated parking and landscaping works at land between 9 Brotherton Street and 204 Rock Street, Sheffield, S3 9DW (Case No: 23/02884/FUL) has been allowed.

Officer Comment:-

The main issues were the effect of the proposed development on the living conditions of the future occupants with particular reference to daylight and outlook.

The Inspector set out the context to be that the location of the proposed dwellinghouse is in an established residential area. Brotherton Street is on a significant incline and consists of a mix of bungalows and two storey semi-detached properties. Further observations were that the nature of the plot sizes varies on Brotherton Street and that there are a number of compact developments with small rear gardens within the area. Based upon those factors the Inspector formed the view that it would not be unreasonable for the rear windows of the new dwelling to be in close proximity to the boundary wall or fencing.

Regarding the proposal specifically the Inspector commented that the existing walls and fencing will be higher than a standard boundary wall and the site appears sunken to its surroundings. That meant that the development would be affected by reduced levels of daylight and outlook for future occupiers in the habitable rooms located to the rear of the property at ground floor level in their view. In addition, the Inspector also felt that the proximity and height of the boundary walls would make the outside space somewhat enclosed.

Overall, the Inspector determined that the proposal would result in limited harm in regard to the living conditions of future occupants with regard to daylight and outlook and would be a conflict with the development plan as a whole. However, due the absence of a 4 year housing land supply the Inspector was minded to apply the tilted balance set out within paragraph 11 of the NPPF. In their opinion one additional housing unit would make a modest, but useful addition to the supply. Ultimately that meant that when assessed against the NPPF taken as a whole that the limited adverse impact on the living conditions of the future occupants of the dwelling would not significantly and demonstrably outweigh the benefits of an additional home in a suitable location and the appeal was allowed.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

Nothing to report.

7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report.

8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report.

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

17 September 2024