

DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
02 July 2013

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

An appeal has been submitted to the Secretary of State against the delegated decision of the City Council for alterations to existing detached double garage at rear of dwellinghouse to form ancillary living accommodation (Resubmission of 12/03301/FUL) at 60 Clifton Crescent (Case No 13/00112/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for two storey side extension to dwellinghouse (As amended by plans dated 4 March 2013) at 36 Briars House Lane has been dismissed (Case No 13/00319/FUL)

Officer Comment:-

The site is in the Green Belt. The Inspector considered the main issues to be whether the development would be inappropriate in the Green Belt, what the effect would be on the openness, character and appearance of the Green Belt, and whether there were very special circumstances that would justify such a development.

The proposed extension would exceed the 33% guideline for extensions within the Green Belt as set out in our Supplementary Planning Guidance – Designing House Extensions. The property had already been extended with a conservatory and it was considered that the cumulative effect would be disproportionate and therefore inappropriate and so, by definition, harmful.

The extension would be in full public view and would result in some harm to the openness of the Green Belt.

The extension would in keeping with the design of the other houses in the terrace and would not harm the character and appearance of the Green Belt.

The extension was not an infill scheme which, again, militated against the proposal.

The fact that existing house is small and the room sizes were not excessive did add some weight in favour of the development but this did not outweigh the harm to the Green Belt and so contrary to national and local policies. The appeal was therefore dismissed.

(ii) To report than an appeal against the decision of the Council at it s meeting of 23 October 2013 for erection of 3 detached dwellings with associated garages and landscaping at Land At Rear Of 1 To 5 Austin Close, Loxley Road has been dismissed (Case No 12/01599/FUL)

Officer Comment: -

The Inspector considered that the main issue in this case was that of highway safety.

The site slopes steeply down from north to south and the proposal involved extending the existing driveway from Loxley Road.

Refuse vehicles would not be prepared to access the site due to the safety issues with the potential for the grounding of vehicles and any run-off down the slope creating the potential for vehicles to slide or skid out of control onto Loxley Road. There was also a potential hazard with larger vehicles having to swing into the path of oncoming traffic when exiting / entering the site.

This would require bins to be left by the Loxley Road access point. The suggestion for a bin store to be provided here requiring occupiers to either walk or drive down the slope was considered impractical and inappropriate resulting in additional journeys by foot and vehicle on a steeply sloping unlit road without clear pedestrian routes to the detriment of highway safety

The Fire and Rescue Service was also concerned about the inability for them to access properly and manoeuvre within the site. No information was provided to show these concerns had been overcome.

The Inspector also raised concerns about access to the site for other large service vehicles delivery and removals vehicles and found that the development would be difficult to access by any means other than by car and be particularly difficult for the elderly, disabled or people with prams.

The proposal would be harmful to highway safety contrary to UDP and Coer Strategy policies and the NPPF which require safe and suitable access for all people. Accordingly the Inspector dismissed the appeal

(iii) To report than an appeal against the decision of the Council at it s meeting of 2 January 2013 for Erection of 4 flats in a two-storey block and provision of associated car parking accommodation and landscaping works (amendments received on 07.12.12) at Rear Of 12-22 And 12A-22A Holme Lane has been dismissed (Case No 12/03117/FUL)

Officer Comment: -

The Inspector considered that the main issues were whether the development would provide adequate living conditions for occupiers of the development and the impact of the proposal on the living conditions of neighbouring occupiers.

The proposed building would be close to the existing shops and flats on Holme Lane and people using the existing external walkway and stairs would be able to look directly into the main living areas of the proposed flats. The proposed obscure glazing of the rear windows of the existing flats and obscured screening to the walkway would be to the detriment of the living conditions of the existing occupiers of the flats to Holme Lane.

All the rear bedrooms would suffer from a poor outlook especially those at ground floor level and adjoining buildings in close proximity would overbear the proposed flats. The existing properties fronting Holme Lane would also reduce the level of daylight reaching the proposed flats to the detriment of future occupiers living conditions.

The lack of suitable and sufficient amenity space for occupiers of the proposed flats coupled with the poor outlook will lead to unacceptable living conditions for future occupiers and would also harm the living conditions of existing occupiers. This is contrary to UDP and Core Strategy policies.

The Inspector agreed that the site would be overdeveloped and the impact on living conditions resulting from the proposal demonstrates the harm arising from the development. Accordingly the appeal was dismissed.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning consent for Erection of a two-storey block on land to the rear of Rosebank Care Home to provide 3 supporting living units (resubmission of planning application 12/01059/FUL) at Rosebank Residential Home 48 Lyons Road has been dismissed (Case No 12/02343/FUL)

Officer Comment: -

The main issues concerning the Inspector in this appeal were the effect of the development on the living conditions of neighbouring occupiers with regard to privacy and whether the proposal would provide acceptable living conditions for future occupants with regard to privacy, daylight and outlook.

The front elevation would have windows to both storeys within 6 metres of the adjoining property's boundary. This would harm the privacy of occupiers of the adjoining property and is contrary to the Supplementary Planning Guidance which is considered to provide helpful guidance.

The distance between the bedroom windows of the existing care home would be within 16 metres of the windows of the proposed building. At this distance, the Inspector considered that this would give rise to overlooking to the detriment of the occupiers of the care home and also to future occupiers of the proposed building. Landscaping would not mitigate the overlooking.

One of the proposed flats would have a bedroom with the majority of its windows being obscurely glazed. This would reduce light entering the room to an unsatisfactory level and also provide a poor outlook from the room to the detriment of the future living conditions of the occupier.

Taking all the findings into account, the Inspector concluded that the proposed development would harm the living conditions of neighbouring occupiers and would have an unacceptable impact on the living conditions of future occupiers in terms of privacy and daylight contrary to both the National Planning Policy Framework and UDP policies.

Factors such as the reduced height of the proposed building, the green roof and additional specialist care accommodation did carry some weight but not sufficient to outweigh the harm that would be caused.

For these reasons, the Inspector dismissed the appeal.

4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the decision of the Council at its meeting of 14th January 2013 for demolition of storage building and erection of two dwellinghouses including construction of temporary access road (As amended 23/11/12) at Fern Glen Farm, Hathersage Road, has been allowed (Case No 12/03177/FUL)

Officer Comment:-

Officer Comment:-

The site lies within the Green Belt. The Inspector considered the main issues to be whether the development was inappropriate development in the Green Belt and the impact of the development on the character and appearance of the Green Belt and Area of High Landscape Value.

The construction of new dwellings in the Green Belt is contrary to UDP Policy GE5 which reflects former national planning guidance in PPG2 (Green Belts). There was no dispute that the development is contrary to UDP policies but very little weight can be given to these policies due to the approach taken in the National Planning Policy Framework. The NPPF permits the redevelopment of previously developed sites in the Green Belt. 'Previously developed sites' excludes agricultural buildings. The existing storage building was originally an agricultural building but is now lawfully used for commercial storage purposes and is therefore 'previously developed'. In line with the Council's consideration of the scheme, the Inspector concluded that the proposals are not 'inappropriate development'.

The Inspector disagreed with the Council's view that the proposed development should relate to the original farmstead character of Fern Glen

Farm, the objective being to maintain the simplicity of form of a traditional farm layout. A single barn conversion style had been encouraged. The Inspector agreed that the orientation of the detached dwellings relative to the farm courtyard is 'slightly awkward' but did not consider this sufficient to withhold planning permission. He considered that there was no benefit in recreating a functional relationship between the buildings given that the site is no longer a working farm and the original farmstead grouping had been already been eroded by the storage building and a former farm workers bungalow in close proximity. He felt that the Council had been somewhat over-prescriptive and that the proposed design solution responds satisfactorily to its setting.

The appeal was allowed subject to conditions in respect of materials, reinstatement of the temporary access road following completion of the development and the removal of permitted development rights.

A concurrent application for a costs award was dismissed. The Inspector concluded that the Council was entitled to reach a decision based on its own interpretation of adopted policies and that it is proper to seek to promote or reinforce local distinctiveness. In these respects the Inspector felt that the Council had provided sufficient evidence to explain its position and to substantiate the reasons for refusal, despite the Inspector taking a different view on the merits of the proposals.

5.0 RECOMMENDATIONS

That the report be noted

David Caulfield
Head of Planning

02 July 2013

This page is intentionally left blank