

Planning and Highways Committee

Tuesday 10 October 2023 at 2.00 pm

**To be held at the Town Hall, Pinstone
Street, Sheffield, S1 2HH**

The Press and Public are Welcome to Attend

Membership

Councillors Alan Woodcock (Joint Chair), Mike Chaplin, Glynis Chapman, Roger Davison, Tony Downing, Bernard Little, Barbara Masters, Laura Moynahan, Peter Price, Ibbly Ullah, Sophie Wilson, Cliff Woodcraft and Garry Weatherall

Substitute Members

In accordance with the Constitution, Substitute Members may be provided for the above Committee Members as and when required.

PUBLIC ACCESS TO THE MEETING

The Planning and Highways Committee is responsible for planning applications, Tree Preservation Orders, enforcement action and some highway, footpath, road safety and traffic management issues. A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

Recording is allowed at Planning and Highways Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings. Planning and Highways Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last.

Attending Meetings

Meetings of the Council have to be held as physical meetings and are open to the public. If you would like to make a representation to the Planning and Highways Committee, please email committee@sheffield.gov.uk by 9am 2 working days before the meeting and state which application you wish to speak on. If you would like to attend the meeting, please report to an Attendant in the Foyer at the Town Hall where you will be directed to the meeting room. However, it would be appreciated if you could register to attend, in advance of the meeting, by emailing committee@sheffield.gov.uk as this will assist with the management of attendance at the meeting.

PLEASE NOTE: The meeting rooms in the Town Hall have a limited capacity. We are unable to guarantee entrance to the meeting room for observers, as priority will be given to registered speakers and those that have registered to attend. Alternatively, you can observe the meeting remotely by clicking on the 'view the webcast' link provided on the meeting page of the website and then click on the 'Click for more details about Planning and Highways Committee' header which will enable you to see the presentations made. Further information on this or any of the agenda items can be obtained by speaking to Abby Hodgetts on telephone no. 0114 273 5033 or by emailing abby.hodgetts@sheffield.gov.uk

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
10 OCTOBER 2023**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 5 - 8)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 12)
Minutes of the meeting of the Committee held on 12th September 2023.
- 6. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Applications Under Various Acts/Regulations** (Pages 13 - 14)
Report of the Head of Planning
- 7a. Planning Application No. 23/00394/FUL - Land between 94 and 98 Wheel Lane, Grenoside, Sheffield, S35 8RN** (Pages 15 - 42)
- 8. Record of Planning Appeal Submissions and Decisions** (Pages 43 - 52)
Report of the Head of Planning
- 9. Date of Next Meeting**
The next meeting of the Committee will be held on Tuesday 7th November 2023 at 2pm in the Town Hall.

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

If you are present at a meeting of the Council, of its Policy Committees, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest** (DPI) relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from David Hollis, Interim General Counsel by emailing david.hollis@sheffield.gov.uk.

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Planning and Highways Committee

Meeting held 12 September 2023

PRESENT: Councillors Mike Chaplin (Joint Chair), Alan Woodcock (Joint Chair), Glynis Chapman, Roger Davison, Bernard Little, Barbara Masters, Peter Price, Ibbby Ullah, Cliff Woodcraft and Garry Weatherall

1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Tony Downing and Laura Moynahan.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the press and public.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest made.

4. MINUTES OF PREVIOUS MEETING

4.1 **RESOLVED:-** that the minutes of the meeting of the Committee held on 15th August 2023 were approved as a correct record.

5. SITE VISIT

5.1 **RESOLVED:-** That the Chief Planning Officer, in liaison with a Co-Chair, be authorised to make any arrangements for a site visit, in connection with any planning applications requiring a visit by Members, prior to the next meeting of the Committee.

6. TREE PRESERVATION ORDER NO. 470 - 423 GLOSSOP ROAD, SHEFFIELD, S10 2PR

6.1 A Supplementary Report had been circulated and published before the meeting

containing an objection to the tree preservation order, as incorrect correspondence had been published in error. The officer response was contained within the report.

- 6.2 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report.
- 6.3 The tree was being considered for a protection as planning permission had been granted for a small extension close to the tree. Planning officers felt that the extension could be built with the tree in situ and a preservation order would add weight to the planning conditions.
- 6.4 The Community Tree Officer had visited the site and carried out a TEMPO assessment which had identified the tree as suitable for protection.
- 6.5 An objection to the order had been received and the officer response was contained within the report.
- 6.6 **RESOLVED:-** That Tree Preservation Order No. 470 be confirmed unmodified.

7. TREE PRESERVATION ORDER NO. 471 - THE LIMES, 7A ENDCLIFFE HALL AVENUE, SHEFFIELD, S10 3EL

- 7.1 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report.
- 7.2 The Council had received a section 211 notice giving notice of removal of the tree, stating that following strong winds the tree was felt to be leaning more than it had done previously and there fore needed removing as a matter of safety. Additionally, its roots were stated as damaging the pavement and interrupting the electricity supply to electric gates that front the property.
- 7.3 The Community Tree Officer had visited the site and carried out a TEMPO assessment which had identified the tree as suitable for protection.
- 7.4 Andrew Clayton attended the meeting and spoke against the tree preservation order.
- 7.5 One objection had been received and the officer response was contained within the report.
- 7.6 Discussions took place regarding the lean of the tree and the Community Tree Officer informed Committee that no evidence was available to indicate that the tree was leaning more than it had done for the past 10 years. Additionally, the canopy had started to right itself, which indicated that there had been no movement for some time.
- 7.7 **RESOLVED:-** That Tree Preservation Order No. 471 be confirmed unmodified.

8. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

8a. PLANNING APPLICATION NO. 23/00392/FUL - 47 WHIRLOW LANE, SHEFFIELD, S11 9QF

- 8a.1 Additional conditions, along with the reasons were included within the Supplementary Report which was circulated and summarised at the meeting.
- 8a.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 8a.3 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also having regard to representations made at the meeting.
- 8a.4 **RESOLVED:-** That an application for approval of planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, now submitted, for the demolition of dwellinghouse and erection of dwellinghouse with associated landscaping and driveway (amended plans 15.06.23) at 47 Whirlow Lane, Sheffield, S11 9QF (Application no. 23/00392/FUL).

8b. PLANNING APPLICATION NO. 22/04356/FUL - LAND BETWEEN RAILWAY TRACKS AND JUNCTION ROAD, WOODHOUSE, SHEFFIELD, S13 7RP

- 8b.1 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 8b.2 Rachel Reaney attended the meeting and spoke in support of the application.
- 8b.3 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report, now submitted.
- 8b.4 A question was asked regarding the future management of the woodland on the site. The Planning Officer said that this could be secured by condition. Councillor Bernard Little proposed that a condition be added to secure the future management of the woodland. Councillor Garry Weatherall seconded the motion and it was passed by a show of hands.

8b.5 Councillor Bernard Little proposed that Condition 16 be amended to add that swift bricks be included on each dwelling. Councillor Alan Woodcock seconded the motion and it was passed by a show of hands.

8b.6 **RESOLVED:-** That an application for approval of planning permission be GRANTED, conditionally subject to Legal Agreement and including the additional condition and amended condition, for the reasons set out in the report for the erection of 19 residential dwellings, with access, landscaping and associated works at Land Between Railway Tracks And Junction Road, Woodhouse, Sheffield, S13 7RP (Application no. 22/04356/FUL).

9. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

9. The Committee received and noted a report of the Chief Planning Officer detailing planning appeals received, dismissed and allowed and Enforcement Appeals received and dismissed by the Secretary of State.

10. DATE OF NEXT MEETING

10. The date of the next meeting of the Planning and Highways Committee was Tuesday 10th October 2023 at 2pm in the Town Hall.



SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Head of Planning

Date: 10/10/2023

Subject: Applications under various acts/regulations

Author of Report: Sarah Hull

Summary:

Reasons for Recommendations

(Reports should include a statement of the reasons for the decisions proposed)

Recommendations:

Background Papers:

Under the heading "Representations" a Brief Summary of Representations received up to a week before the Committee date is given (later representations will be reported verbally). The main points only are given for ease of reference. The full letters are on the application file, which is available to members and the public and will be at the meeting.

Category of Report: OPEN

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Case Number	23/00394/FUL (Formerly PP-11914933)
Application Type	Full Planning Application
Proposal	Erection of 2 dwellinghouses and associated works (Amended plans)
Location	Land between 94 and 98 Wheel Lane Grenoside Sheffield S35 8RN
Date Received	06/02/2023
Team	North
Applicant/Agent	DK Designs FPT Limited
Recommendation	Grant Conditionally

Time limit for Commencement of Development

1. The development shall be begun not later than the expiration of three years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

Approved/Refused Plan(s)

2. The development hereby permitted shall be carried out in complete accordance with the following plans, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Site Plan and Location Plan, Drawing Number 2023-009-001 Ref F
Existing and Proposed Streetscene, Drawing Number 2003-009-002 Ref D
Existing and Proposed Sections, Drawing Number 2003-009-003 Ref G
Existing and Proposed Sections Sheet 2, Drawing Number 2003-009-004 Ref G
Existing and Proposed Sections Sheet 3, Drawing Number 2003-009-005 Ref G
Existing and Proposed Sections Sheet 4, Drawing Number 2003-009-006 Ref H
Boundary Fence and Bike Store Drawing Number 2003-009-007
Floor Plans, Drawing Number 23-009-101 Rev B
Elevations, Drawing Number 23-009-102 Rev C
Published 26.09.2023

Reason: In order to define the permission.

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

3. Prior to above ground works commencing a scheme for biodiversity enhancement, including but not limited to habitat boxes and enhanced planting, shall be submitted to and agreed in writing with the Local Planning Authority.

Thereafter the approved details shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

The scheme for biodiversity enhancement shall include the following details:

- i. Description, design and/or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction, to ensure long lifespan of the features/measures;
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken; and
- iv. A timeline for installation of the proposed features or measures.

Reason: In the interests of ecological enhancement.

4. Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development.

5. Notwithstanding the hereby approved plans, full details of a suitable means of site boundary treatment, including the heights and appearances of new retaining walls shall be submitted to and approved in writing by the Local Planning Authority before above ground works commence, or an alternative timeframe to be agreed in writing by the Local Planning Authority and the dwellinghouses shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

Reason: In the interests of the visual amenities of the locality and the amenity of adjoining residents.

6. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details that have been submitted to and approved by the Local Planning Authority. Thereafter the approved surface water drainage works shall be installed and retained.

Reason: To ensure that the site is properly drained and in order to prevent overloading and surface water discharge from entering the foul sewer network.

7. Within 3 months of the commencement of development full details of the design, height, appearance and location of the proposed driveway gates and their method of operation shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be provided in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained. The gates shall be designed so that when open they do not project over the adjoining footway.

Reason: In the interest of highway safety.

8. No above ground works shall commence until the highways improvements (which expression shall include traffic control, pedestrian and cycle safety measures) listed below have either:

- a) been carried out; or

- b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before development is brought into use and the development shall not be brought into use until the highway improvements listed below have been carried out.

Highways Improvements:

Construction of a 2 metres wide footway across the development site frontage, entailing demolition and reconstruction of a retaining wall supporting front gardens (structural calculations, cross-sectional drawings, construction method statement, an AIP application) all to be submitted for approval to the Local Planning Authority prior to construction.

Any accommodation works to Statutory Undertakers equipment, street furniture, and highway drainage associated with the footway/retaining structure works.

Reason: In the interests of highway safety.

9. Prior to the improvement works indicated in the preceding condition being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenities of the locality.

10. Before any above groundworks commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing and drainage arrangements for the car parking accommodation and drive shall have been submitted to and approved in writing by the Local Planning Authority. The surfacing, drainage, car parking accommodation and drive shall have been provided in accordance with the aforementioned approved details prior to occupation of the dwellings and shall thereafter be retained for the sole use intended.

Reason: To ensure satisfactory parking provision and in the interests of traffic safety and the amenities of the locality and sustainable urban drainage.

11. A comprehensive and detailed hard and soft landscape scheme for the site shall be

submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

Other Compliance Conditions

12. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

Reason: In the interests of the visual amenities of the locality.

13. If any unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service should be contacted immediately. A Remediation Strategy shall then be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved Remediation Strategy.

Reason: In order to ensure that any contamination of the land is properly dealt with.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwellinghouses shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage of house two and the stepped nature of the curtilage of houses one and two.

15. The windows in the side elevations of the proposed dwellings shall be installed in accordance with the approved plans and shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of the windows shall at any time be changed in size or glazed with clear glass.

Reason: In the interests of the amenities of occupiers of adjoining property.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The applicant is advised to refer to the information supplied by Powergrid published on the online file on 13.02.2023.

3. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.

4. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

5. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

6. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

7. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. You should apply for permission, quoting your planning permission reference number, by contacting:

Mrs D Smith
Highways Development Control
Vehicle Crossings

Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: 07770 641 761
Email: dawn.smith2@sheffield.gov.uk

8. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

You should contact the S278 Officer for details of how to progress the S278 Agreement:

Mr J Burdett
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 6349
Email: james.burdett@sheffield.gov.uk

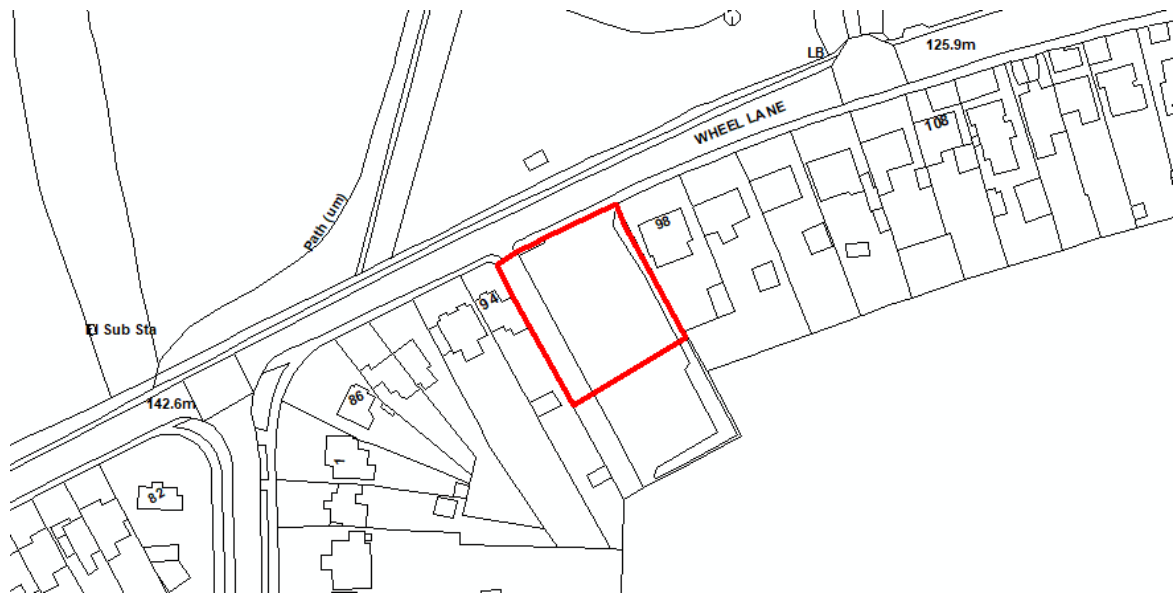
9. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

10. Plant and equipment shall be designed to ensure that the total LAr plant noise rating level (i.e. total plant noise LAeq plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA90 background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.

Site Location



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Location and Proposal:

This application relates to a parcel of land between numbers 94 and 98 Wheel Lane at Ecclesfield. It is the site of a former covered reservoir enclosed on all sides by stone walls.

The application site covers an area of approximately 0.2 hectares and is entirely within a Housing Area as defined in the adopted Sheffield Unitary Development Plan (UDP).

The application site is elevated above Wheel Lane and retained by a high stone wall. Generally, site levels rise from east to west following the topography of Wheel Lane, they also rise gradually towards the rear (south) of the site. Ground levels on the application site have been altered by previous foundation and site clearance work.

Consent is sought to construct 2 x 4 bedroomed dwellings, which would be 1.5 storey with accommodation in the roof space served by dormers.

Access for both dwellings would be taken from an existing vehicular access point which runs up the western side of the site adjacent to No 94. A parking area would be formed to the rear of the site, which would be utilised by both dwellings.

Amended plans have been received during the course of the application which have altered the land levels, which in the main involves reducing them. Alterations have been received to the design, footprint and fenestration of the houses.

Planning History

The site has a long planning history:

06/04610/OUT	Erection of two dwellinghouses and garages – Granted Conditionally
09/03060/FUL	Erection of two detached dwellinghouses– Granted Conditionally.
18/00924/FUL	Erection of one dwellinghouse - Granted Conditionally - Decision quashed.
18/02229/FUL	Erection of one dwellinghouse (Re-submission of planning permission 18/00924/FUL) - Refused.
19/03073/FUL	Erection of 2no. Dwellings with associated parking - Refused (Appeal dismissed)
20/02057/FUL	Erection of two dwellings with associated access, parking and landscaping (Amended plans published 03.12.2020) – Refused (Appeal Dismissed)

The most recent refusal (20/02057/FUL) was for the following reasons:

1. The Local Planning Authority considers that the proposed development would, as a result of its height and general massing, fail to suitably respect the established character of the immediate surroundings and would therefore represent an incongruous feature within the established street scene. As a result, the development is considered to be contrary to Paragraphs 124 & 127 of the National Planning Policy Framework, Section a) of Policy H14 & Policy BE5 within the adopted Sheffield Unitary Development Plan and Policy CS74 within the Sheffield Development Framework Core Strategy.
2. The Local Planning Authority considers that, owing to the scale of the development and its proximity to surrounding properties, when taking account of factors such as orientation and land levels, it would have an imposing and unacceptable overbearing and shadowing impact on these neighbouring properties. As a result the development is considered to be contrary to Paragraph 127 of the National Planning Policy Framework and Section c) of Policy H14 within the adopted Sheffield Unitary Development Plan.
3. The Local Planning Authority consider that the proposed development would constitute an overdevelopment of a site of restricted dimensions owing to the size of the proposed houses. The development therefore results in insufficient amenity space and an unsatisfactory environment for future occupiers. This development is therefore contrary to Policy H14c) of the Unitary Development Plan and paragraph 127 of the National Planning Policy Framework

The Planning Inspectorate dismissed the applicants appeal 20/2057/FUL. The key points in the decision are set out below:

The ridge heights would result in the dwellings being an alien feature in the street scene and would not be complimentary to the prevailing form of built development on Wheel Lane.

The deep plan form, taken together with the height would result in excessive scale and massing.

The frontages of the two dwellings would have flat exterior walls, repetitive featureless casement windows, and dormers with poor proportions. The proposed development would not, for these and other reasons, represent good design or be sustainable development.

Plot 1 would over dominate 98, this comment related to the house itself and that the boundary fence would over dominate the garden and outlook from the conservatory.

To a lesser degree the proposed development would be a prominent and unacceptable feature in the outlook from the rear garden area of 94 Wheel Lane.

The proposed dwellings would have small private rear patios and lawns. Whilst similar sized dwellings in other locations might have significantly larger private amenity areas not all house owners want large gardens. The amenity areas are adequate and in this regard, there is no conflict with UDP policy H14.

Enforcement History

The site has also been subject to an Enforcement Notice.

This notice was issued on 15 June 2021. The breach of planning control as alleged in the notice is the material change in the use of the land for use for the storage of plant, machinery, equipment, fencing, building material, shipping containers and waste, and other miscellaneous items and materials, and the construction of a hard surface footings/foundations on the land.

The Local Planning Authority have recently concluded that the above case can now be closed.

Representations

Publicity on this application has taken place via neighbour notification and wider publicity site notices on the original plans submitted and subsequent amended plans.

In response to the original publicity 19 letters of objection have been received raising the following points:

- Concerns regarding massing. The size and design are very large. The dwellings are deep plan;
- The footprint is larger than the last plan;
- White render finish will contribute to overbearing appearance;
- Dormers are over dominant / poor materials;
- The elevations are featureless;
- Poor window detailing;
- Significant excavation would be required to enable the dwellings to sit at the land level shown on plan;
- The site is too high and has been elevated in the past;
- The site was not previously an unsightly gap;
- Concern about impact of vehicle activity and headlights, on neighbours amenity;
- Concern about impact of noise from electric gate on neighbours;
- The dwellings should be accessed via separate drives to the front.as the proposed arrangement departs from what is prevalent in the street and is of detriment to neighbours amenity(noise , light and air pollution);
- Objection to height of parking and implications to amenity arising from lights and activity at that level;
- Concern that fencing would result in shading and overbearing to neighbours;
- Concern about impact of bin storage on neighbours;
- Concern about adequate bin storage;
- Post boxes are remote from the houses;
- The artificial ground levels would result in unacceptable privacy implications;
- Inadequate garden / amenity space, parking in the gardens;
- Concern that the area of Green Belt will be absorbed into the plots;
- Overdevelopment;
- Objection to development on a busy road;

- All previous objections to rejected applications still apply;
- Objection to not being notified;
- Concern regarding privacy of future occupiers due to pedestrian access arrangements being via frontage of plot 2 to access plot 1;
- Privacy implications to access garden from car park;
- Side windows are unacceptable even with obscure glazing;
- Concern about noise from air source heat pump;
- The dwellings appear to have HMO style layout;
- 4 water metres have been installed;
- The previous footings would have to be removed to facilitate the development, Confirmation is requested of this;
- No garages are incorporated;
- Concern about impact on Green Belt (usage , pressure for future usage);
- Query is raised if the Green belt Land is going to be in the same ownership as the two properties;
- Concern the access is not safe due to restricted visibility onto a road where there are speeding issues;
- Concern regarding vehicular conflict on the access road;
- Concern about increased on street parking;
- Object that the application is being considered due to enforcement proceedings;
- Reference to previous activity on site;
- Insufficient detail available to enable comment eg ridge heights, not fully showing neighbouring property, no detail of boundary treatment, inadequate cross sections, insufficient topographical detail;
- Development causes harm where non exists;
- Better options for development of the land exist which would remove the harm;
- Concern that the existing footings will be utilised;
- Concern is raised that the land is allocated as green belt in the revised local plan;
- The plans have not materially changed / don't overcome the previous reasons for refusal. The scheme should be refused;
- Concern that if approved the application will subsequently be amended.

Ecclesfield Parish Council

- Overdevelopment, unacceptable size, massing and height, would result in detrimental impact to the character and amenity of the area;
- Poor design, out of scale and character including bulk, massing, size and appearance compared to other development on the vicinity;
- Overlooking;
- Harm to amenity and quality of life;
- Inadequate parking;
- Impact on the green belt;
- Contrary to local and national policy;
- The scheme doesn't overcome previous reasons for refusal.

Consultation on amended plans. 19 Further letters of objection were received following additional publicity. The points raised are summarised below.

- Previous objections remain;
- Objection to height of houses;
- The land level is too high;
- Size of houses out of keeping in the street;
- Out of character with the streetscene and character of the area;
- Poor design;
- Fenestration proportion on the front elevations are poor and should be improved;
- The dormer is top heavy and disproportionate and would detract from the streetscene. Proposed materials for the dormers would worsen this impact;
- There is no direct pedestrian access to plot one, without walking in front of plot 2. This results in privacy implications for future occupiers of Plot 2;
- Objection to proximity of access and drive to bungalow in terms of amenity implications, noise, air and light pollution in what is a semi rural area. Particular reference is made to the Councils work to improve air quality across the city and that this proposal would conflict with these aims;
- Objection to windows overlooking neighbouring properties. If these are permitted condition should be attached preventing them being altered (from high level obscured);
- Objection to height of car parking area in relation to neighbouring properties. Vehicle lights would illuminate bedrooms and the parking would be visible;
- Parking to the rear is out of character with the area;
- Objection to noisy electronic gates;
- There is a conflict between providing a 1.8 m high fence to achieve privacy which would result in overbearing and overshadowing to neighbouring property vs a lower boundary which would result in privacy and light pollution implications;
- Overdevelopment, the site is too small for the size of the houses. There is insufficient garden space;
- The foot print is larger than the last design;
- The properties are overbearing;
- Insufficient parking;
- Highway safety in terms of access to busy road;
- The access should be widened to 5 x5 to prevent waiting in the highway;
- Alternative design solution suggested;
- The plans indicate that the ground levels would need to be lowered below the height of the existing covered foundations, however a surveyors report prepared by the developer in relation to enforcement proceedings connected with the removal of the existing footings detailed that there would be issues with the integrity of boundary walls. Request is made that a report is commissioned to detail how the existing foundations will be removed safely and how any potential damage to the boundary wall and or third party property will be rectified;
- Reference is made to recent enforcement case on the land;
- Concern remains that the dwellings would not be family homes, specifically; no family bathrooms, lack of gardens, no garages. There is concern the end use would be for HMOs, which would be out of character. A condition should be attached preventing HMO use;

- No protection zone is shown for the tree on the frontage adjacent to No 98. This is important in the streetscene. Query is raised as to why development within the vicinity of the tree is acceptable;
- If approved request is made for the removal of Permitted Development rights to prevent future amenity issues arising as a result of additional extensions;
- The bin collection area is inadequate;
- The application was originally validated without sufficient detail, then subsequently invalidated. It is commented that the application was inadequately scrutinised by Officers and has involved the waste of resources. Reference is made to lack of previous enforcement action on the site which results in resident having a lack of confidence in any agreed development reflecting the approved plans;
- Objection to garden being in the Green Belt;
- Concern about pressure and overspill into green belt area. Use of this should be regulated via legal documents;
- The plans don't show the conservatory of No 98;
- Artificially elevated land;
- Concern that future amendments will be submitted;
- Concern is raised that the planning department are supporting the developer;
- Concern is raised that planning breaches would not be enforced;
- Frustration with process;
- Reference to enforcement case.

Ecclesfield Parish Council: (renewed objection for the reasons detailed above)

Miriam Cates MP:

- Concern that the design could result in future attempts to convert these to HMO's. Specifically given previous issues of non-compliance on this site.
- Concern that the development is out of character with neighbouring properties, ie parking to the rear is inconsistent with the established parking arrangement. This raises design concerns and continuity with the existing neighbourhood.
- Highway Safety concerns are raised about a single track access serving two households. Alternative access arrangements could address this.
- Concern is raised about the accuracy of the land height presented and seek assurances that the proposed level be adhered to should the application be approved to prevent loss of privacy.
- Concern about privacy to future occupiers due to the nature of the pedestrian access serving plot 1.
- Any approval should include a pre-commencement condition requiring the covered foundations be removed in their entirety to address resident's apprehensions and ensure that the development adheres to regulations.
- Request is made that the above concerns are addressed and resolved.

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations

indicate otherwise.

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in July 2021 (the NPPF) is a material consideration (paras 2 and 218 of the NPPF).

Paragraph 219 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

In all cases the assessment of a development proposal needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless:

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal;

or

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

This is referred to as the “tilted balance” and this assessment will have due regard to this.

In addition to the potential for a policy to be out of date by virtue of inconsistency with the NPPF, para 11 of the NPPF makes specific provision in relation to applications involving the provision of housing and provides that where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer the policies which are most important for determining the application will automatically be considered to be out of date.

As of 1 April 2022, and in relation to the local housing need figure at that date taking account of the 35% urban centres uplift, Sheffield can demonstrate a 3.63 year deliverable supply of housing land. Because the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, the relevant policies for determining applications that include housing are considered to be out-of-date according to paragraph 11(d) of the Framework.

Set against this context, the development proposal is assessed against all relevant policies in the development plan and the NPPF below.

Land Use and Housing Land Supply

The site lies in a Housing Area in the UDP. Policy H10 (Development in Housing Areas) identifies C3 residential use as the 'Preferred' land use in Housing Areas. Therefore, the proposed residential development is compatible with the UDP's designation and an acceptable use.

Core Strategy Policy CS22 (Scale of the Requirement for New Housing) relates to the scale of the requirement for new housing and sets out Sheffield's housing targets until 2026; identifying that a 5-year supply of deliverable sites will be maintained. However, the NPPF now supersedes this, and the Council cannot demonstrate adequate Housing Land Supply at this point. Weight cannot therefore be afforded to the housing figures identified in Policy CS22.

Core Strategy Policy CS23 (Locations for New Housing) identifies that new housing will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure and that housing growth will occur in parts of the city where significant change and regeneration are taking place. This will be primarily in the main urban area of Sheffield. The scheme is within the existing urban area and would accord with this aim.

Weight can be afforded to policy CS23 on the basis that it links to key themes in the NPPF including increasing the supply of new homes, regeneration and sustainable development, the efficient use of land, brownfield land development, sustainable development, and sustainable travel.

The government attaches significant weight to boosting the supply of new homes. The development of small windfall sites, such as this, are specifically supported by the NPPF (Paragraph 69) given the important contribution they can make to meeting the city's housing requirements and the relative speed with which they can be delivered.

The Framework makes it clear that a site will be excluded from being classed as previously developed if 'the remains of the permanent structures or fixed surface structures have blended into the landscape.' This is the case in this instance and the site is regarded as being greenfield.

Core Strategy Policy CS24 states that no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/05 and 2025/26. It goes on to state that in the period to 2025/26, housing on greenfield sites will only be developed in certain circumstances, including on small sustainable sites within existing urban areas or larger villages.

Completions of properties on greenfield sites have not reached the 12% stated in CS24. Moreover, the development is considered to be on a sustainably located small site and makes efficient use of land taking account of site constraints.

Unlike CS24, which stipulates a proportionate prioritisation of brownfield land, the Framework actively promotes the reuse of Brownfield or previously developed land (paragraph 119) but does not specifically advocate a 'brownfield first' approach. Given this, policy CS24 carries reduced weight. Nevertheless, the proposal is considered to comply with both CS24 and the Framework, which places great emphasis on boosting the supply of homes.

Core Strategy Policy CS26 encourages making efficient use of land to deliver new homes at a density appropriate to the location depending on relative accessibility. The highest density of development is promoted in the most sustainable/accessible locations.

The policy is considered consistent with paragraph 124 of the Framework which promotes the efficient use of land subject to the consideration of a variety of factors including housing need, availability of infrastructure/sustainable travel modes, desirability of maintaining the areas prevailing character and setting, promoting regeneration and the importance of securing well designed and attractive places.

The site is approximately 0.22 hectares and the two dwellings proposed results in a density of 9 dwellings per hectare. This falls below the recommended density identified in policy CS26 (30 to 50 dwellings per hectare); however, the development is considered comparable to the density and pattern of development of existing housing on Wheel Lane.

Taking account of the size of the site and the desirability of maintaining the areas prevailing character, purely from a density perspective the erection of two dwellings on this site is considered acceptable.

Visual / Design Implications

Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions.

Core Strategy Policy CS74 sets out the design principles that would be expected in all new developments. It details that high quality development should respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

NPPF paragraph 126 promotes high quality and beautiful buildings with good design being a key aspect of sustainable development that creates better places to live, work and establish communities. Paragraph 130 also requires development to add to the quality of an area, be visually attractive and sympathetic to the local character amongst other things.

The aims of the local and national policies closely align, and the local policy is afforded significant weight.

The two most recent refusals and subsequent appeals have included visual amenity reasons.

This submission differs significantly from previous submissions. These earlier applications showed full two storey dwellings with dormers in the roofscape, with ridge heights sitting above No 94.

The streetscene is such that whilst dwellings are of varied design, the prevailing character is that the dwellings step down in height with the topography.

The current submission shows 2 x1.5 storey high dwellings with dormers in the roofscape. The ridge height of the highest would be lower than No 94. Plot 1 would be lower again, but higher than No 98. The heights step down with the topography of the street and would sit comfortably in this context.

The site is elevated above the highway and as with many other dwellings in the street, the dwellings would be built off elevated land, which would not be out of character.

Houses in the streetscene vary in their presentation with some bungalows, some two storey dwellings and some dormer style bungalows. The neighbouring property (No 98) is similar in having dormer roof accommodation. Given this the dwellings would not appear out of scale or character.

The dwellings have a deeper plan than neighbouring properties, however, represent a smaller footprint compared to the previous submission, in that there is no single storey extension to the rear. During the course of the application the depth of the footprint of the dwellings have been reduced. The combination of the reduced footprint and reduced height in comparison to the previously refused application, now means that the scale and massing would not appear excessive.

The dwellings are sited roughly following the front building line of existing properties in the street and are appropriately sited. Parking is located to the rear, screened by the houses which is appropriate, and would not be visible in the streetscene.

Furthermore this enables landscaping to be incorporated to the front gardens which would enhance the streetscape. The siting of the parking is acceptable from a visual amenity perspective.

During the course of the application the front elevation has been amended to improve the design quality. The dwellings are of simple design with bay window features and dormers. The size and proportions of these are acceptable.

The dwellings would be finished in white chalky render, with dark cladding to the dormers, and slate effect tiles to the roof. There is a range of materials in the streetscene, including light coloured render. Whilst this is predominantly utilised above brick, the use of this material will appear simple and light weight, and would not appear harmful, or out of character owing to the mix of materials and individuality of dwellings within the streetscene. These materials would be acceptable in principle. Whilst some detail has been provided of these materials the precise colour selection has not, eg the roof material specified comes in a variety of colour finishes. It is important that the dormers and roof are finished in a similar material and finish. For this reason a condition will require full details of the materials.

This submission addresses the design related reason for refusal and the points raised in the Inspectorate's report relating to visual impact and now presents a scheme that would appear compatible with the streetscene. The proposal is considered acceptable in design terms and it is considered that the scheme overcomes this previous reason for refusal.

Amenity

Policies H14 (Conditions on Development in Housing Areas) and H15 (Design of New Housing Developments) expect new housing developments to provide good quality living accommodation to ensure that basic standards of daylight, privacy, security and outlook are met for existing and future residents.

NPPF paragraph 130 f) promotes – amongst other things – a high standard of amenity for existing and future users, safety, and quality of life.

The aims of local and national policy closely align and therefore local policy can be afforded significant weight.

Overbearing and Overshadowing

No 98 is the detached neighbour on the lower side of the site. This property is a dormer bungalow with a conservatory to the rear. The rear garden of this property and finished floor level is lower than the current site levels. A topographical survey has been provided for the site itself, however the levels of neighbouring properties are assumed. The plans indicate this. Officers have however visited properties that abut the site to establish the existing relationships. The land level of No 98 is in excess of 1 m lower than the site level adjacent to the boundary. No 98 has a relatively level rear garden with raised decking to the rear. A stone boundary retaining wall separates No 98 from the site at the rear. This is approximately 1.8 metres in height from the land level of this neighbour's main lawned garden area.

The dwelling closest to No 98 (plot 1) is shown to be built off lower land levels than present on site at the moment. The plans show that the finished floor level of the dwelling closest to No 98 would be lower than the existing land level and the land level at the rear of the dwelling would also be lowered.

With the exception of high-level windows in the side of the conservatory the neighbouring property of No 98 has no windows directly facing the site. Plot 1 would project beyond the original rear wall of No 98 by approximately 2.3 metres, and would be behind the rear wall of No 98's conservatory. The positioning of the dwelling in its relationship to No 98 is such that significant overshadowing or overbearing would not arise from plot 1.

A 1.8 metre high fence is shown to be positioned abutting the existing retaining wall (on the application site side). The plans detail that this would be positioned off the existing land level of the site. This would raise above the existing stone boundary wall by a range of approximately 60 - 80 cm, varying due to the land levels.

The increased height of the boundary would result in some disamenity to occupiers

of No 98, with the tapered nature of the boundary not assisting this. This garden however faces south east and therefore benefits from the path of the sun. There could be some limited shading in the later part of the day as the sun moves to the west, however this would not be significant owing to the limited height of the boundary and the limited section of the day this sun would be to the west of this.

The height increase of the boundary would result in some sense of greater overbearing compared to the existing situation. This would have some impact on outlook from the rear of No 98 and also from the garden.

There would be some visual relief created by the additional height increase being of a different material and also set behind the existing stone wall. From inside No 98, the main outlook from the rear is down the garden rather than over the application site. The impact has been minimised as far as possible and the fencing is needed to provide privacy benefit. The resulting impact is comparable to many residential properties elsewhere in the city where land levels vary between sites. The resulting impact would not cause unacceptable amenity for the occupiers of No 98.

The previous appeal decision concluded that the dwelling would dominate the garden of No 98 and the fence would also dominate the rear garden area and the outlook from a conservatory at the rear of the property. Officers are of the view that the current scheme, has cumulatively sought to reduce the impact on No 98 and this is now not regarded as being contrary to the above-mentioned policies.

The width of the site access provides separation between plot 2 and No 94. The overall separation distance is in the order of 7.5 metres. There are some windows in the side elevation of No 94. These serve a bedroom, breakfast room and kitchen. It is noted that both the bedroom and the kitchen are served also by other windows on the front and rear elevations. The breakfast room has been designed so that it is somewhat reliant on light from neighbouring land, nevertheless officers are of the view that the separation distance and height of the proposed dwelling is such that unacceptable overbearing and overdominance would not arise to No 94.

The last Inspectors report detailed the proposed development would be a prominent and unacceptable feature in the outlook from the rear garden area of 94 Wheel Lane. This submission has a reduced height and footprint and is such that the development would not appear overly prominent, nor could it be regarded as an unacceptable feature given the residential character of the area.

Other residential properties are considered to be of sufficient distance from the development so that unacceptable implications through overshadowing and overbearing would not arise.

Privacy

The dwellings have been designed so the main outlook from them is over the gardens to be associated with them. In the side elevations, high level windows have been incorporated at ground floor on the east elevations. At first floor, on both the east and west elevations ensuite windows are present. All windows in the side elevations are shown to be obscured. The nature of these windows is such that

unacceptable loss of privacy would not arise to neighbouring properties. Furthermore a condition will be added to ensure that these windows are obscured and retained as approved.

During the course of the application, the agent has amended the land levels in the rear garden of plot 1. The 1.8 metre high fencing would be installed off the existing land level at the boundary and the fencing would be broadly 1.6 metres higher than the resulting predominant garden levels. This level of screening is regarded as being appropriate in securing a balance of privacy to No 98 and ensuring that the fence is not of a height which would result in unacceptable overdominance implications.

Adequate screening and separation would be achieved between No 94 and the new dwellings to secure acceptable privacy levels.

Other residential properties are considered to be of sufficient distance from the development so that unacceptable privacy implications would not arise.

Impact of Parking and Access on Residential Amenity:

Parking is proposed to be taken via an existing access which runs between the side of No 94 and plot 2.

The drive is flanked on both sides by a stone wall. No.94 is elevated above the level of the access road and part of the site boundary is supplemented with hedge planting which screens the rear garden in part.

Many domestic properties have drives to the side which facilitate parking to the rear of the house. It is not considered that the vehicle movements associated with two dwellings would be excessive or give rise to unacceptable noise and disturbance to either of the adjoining properties.

The combined parking area arrangement to the rear is however less common place. This is positioned away from the site boundaries. The proposed ground level of this area has been reduced during the course of the application and the parking area would be fenced which would reduce disturbance from car lights. Furthermore there would be the site perimeter boundary treatment beyond this. The space available would be sufficient for 4 cars which is not excessive. Activity associated with this area of the site would not result in unacceptable amenity implications.

The main bin storage area is within the parking area, with there being an area at the entrance to the highway to place bins awaiting collection. It is noted that this does not allow for when there is more than one type of bin being collected on each day, however there is ample room on the drive or on the street frontage where other residents place bins awaiting collection. The relationship of the bin storage to neighbouring property is not out of the ordinary in such a residential setting and would not cause unacceptable amenity implications.

Design details of the site access gates are to be controlled by condition. Such gates are not uncommon in residential areas and their operation will not have an unacceptable effect on the living conditions of adjoining properties.

Air source Heat Pumps

Air Source Heat Pumps are shown within the curtilage of each plot. Whilst such plant is becoming more common place in domestic settings, these do have potential to produce some noise. Environmental Protection have reviewed the scheme and have no objection in principle to the inclusion of these within the scheme, subject to acoustic data being submitted for approval prior to them being fitted. This matter will be controlled by condition.

Overdevelopment and Amenity for Future Occupiers

The external area for the properties would be of acceptable area and configuration. The smallest garden would be over 100 square metres and the larger over 200 square metres. The gardens sizes have been increased in comparison to the last refused application. Furthermore it is worth noting that the Planning Inspector accepted the size of the gardens shown on the previous scheme and did not uphold this reason for refusal.

Each property would have separate rear access from the car parking area through their own separated back gardens. The parking area is separated by fencing from the main garden area.

Despite the raised decked area, within the rear garden of No 98, the proposed boundary treatment would facilitate sufficient privacy within the development when viewed from this neighbouring property.

From No 92, the combination of the separation distance formed by the drive and existing and proposed boundary treatment within the development site would again secure satisfactory privacy for future occupiers.

Pedestrian access is gained from the access drive across the plot frontages. As highlighted in the representations, this does create some privacy conflict as the occupiers / visitors would pass the frontage of the western house to access the other. Whilst the implications of this are not particularly desirable this could be compared to the level of privacy a terraced house abutting a road frontage has. The design as presented would not compromise privacy of future occupiers to the extent that the scheme could be resisted for this reason.

Highway Safety Implications

Policy CS51 'Transport Priorities' within the CS sets out six strategic transport priorities for Sheffield. CS53 'Management of Demand for Travel' identifies a variety of ways in which increased demand for travel will be managed across the City. Policies H14 and H15 of the UDP, which are primarily concerned with housing development, expect sites to be adequately served by transport facilities, provide safe access, appropriate parking and to not endanger pedestrians.

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway

safety, or the residual cumulative impacts on the road network would be severe.

The existing access to the site from Wheel Lane is to be utilised. The front wall of the site is to be set back to give a 2 metre wide footway which would improve visibility for vehicles leaving the site as well as an improved pedestrian environment due to the wider footway. The proposed sight lines from the vehicle access point are satisfactory.

The access road is predominantly approximately 5.5 metres in width which is sufficient to enable two vehicles to pass each other (and for construction vehicles to access the site). The proposed security gates will be set back 10 metres to allow vehicles to pull clear of the highway when entering the site. Vehicles can turn in the shared parking area at the rear of the site and exit in a forward gear onto Wheel Lane. Should any reversing onto the highway take place, this would be in limited circumstances and would not be dissimilar to many other vehicular accesses onto Wheel Lane

Congestion and highway safety concerns in this area are acknowledged, however a review of data suggests that there are no abnormal safety concerns on Wheel Lane. The limited number of vehicle movements associated with two dwellings will not have an unacceptable impact on highway safety, and certainly no 'severe' cumulative impact on the highway network which are the NPPF tests in this respect.

The submitted plans indicate that two parking spaces are provided for each dwelling, which is an appropriate number for dwellings of this size.

The speed limit on this section of Wheel Lane is 30 mph. There are no on-street parking restrictions in place immediately adjoining the site, although speed reduction warnings (lines and paint) are present on the road surface. Any additional parking demand over and above what would normally be anticipated with two 4-bedroom dwellings could be reasonably accommodated on street without affecting highway safety. Additional parking on the access road could also be accommodated without impeding access to either plot.

The proposed access and parking arrangements are considered to accord with the Framework, UDP Policy H14 and Core Strategy Policy CS53.

Biodiversity

The site falls within a Local Nature Site with geological interest as identified by the UDP Proposals Map. The Council's Ecologists have confirmed that the site is not a Local Wildlife Site or geological site.

UDP Policy GE13 states that development affecting Local Nature Sites should, wherever possible, be sited and designed to protect and enhance the most important features of natural history interest.

GE13 goes on to state that where development would decrease the nature conservation value of a Local Nature Site, that decrease should be kept to a minimum and compensated for by the creation or enhancement of wildlife habitats

elsewhere within the site or local area.

Policy GE11 seeks to protect and enhance the natural environment and promote nature conservation.

Paragraph 174 of the Framework identifies that planning decisions should contribute to and enhance the natural and local environment, mitigating harm on and provide net gains in biodiversity. Local policies are considered to broadly align with the aims of the Framework and continue to carry weight.

In addition to the above policy, during the course of this application, the Council has produced a Technical Advice Note which supports the Council's aim to seek a minimum 10% net gain in advance of this becoming mandatory. Given the stage of this application when the note was published it is not reasonable to require the extent of supporting detail that would be required for future applications which will be submitted, however it is appropriate to ensure that biodiversity enhancements are secured as part of any approval.

This site is an infill plot within an established housing area and was previously a covered reservoir, which has been infilled. The only notable recognisable features relate to boundary walls and these are largely retained. The site has been cleared in recent years but has since benefited from some self seeded renewal.

New gardens will be created which allow for the potential for appropriate landscaping which could be of a mix of species that would promote increased biodiversity. Furthermore there is opportunity for habitat boxes to be incorporated on site. These measures can be secured via condition. This would however involve a more enhanced landscaping scheme over what is currently presented.

Given the above the development is considered to comply with Policy GE11 and the Framework and there is no conflict with Policy GE13 given the confirmed status of the site.

Landscape and Green Belt Implications

UDP Policy BE6 'Landscape Design' requires new development to provide a suitable landscape scheme with regards to new planting and/or hard landscaping and details of existing vegetation to be removed or retained. Development should also try to integrate existing landscape features and use native species where appropriate. These local policies retain weight in the consideration of this application.

UDP Policy GE4 states that the scale and character of any development which would be conspicuous from the Green Belt should be in keeping with the area and, wherever possible, conserve and enhance the landscape and natural environment.

At a national level paragraph 130 of the Framework requires developments to be sympathetic to local character and history, including the surrounding built environment and landscape setting.

The wording of Policy GE4 is very different to the wording of the NPPF policies in

that it requires development to be 'in keeping' rather than preserving openness. GE4 has synergy with the design policies in the NPPF (Paragraph 130). However, a number of appeal decisions have found it to be inappropriate to conflate visual impact with Green Belt openness, so although from a good design perspective the approach of this policy has some weight, that weight is limited in reference to national Green Belt Policy. Limited weight is given to Policy GE4, however BE6 is considered to align with Paragraph 130 and therefore can be given significant weight.

The submitted plans indicate some new planting to the site frontage and rear boundaries, lawn and hard surfaced amenity areas. Close boarded fencing is also proposed within the site, including the rear boundary.

To the site frontage there is a semi mature tree close to the boundary with No 98 and some hedging. The tree is not shown to be removed though could be compromised as a result of the proximity of the dwelling. Whilst the tree is visible in the streetscene, it is growing at an angle and in itself it is not worthy of preservation.

A landscaping scheme indicating new tree planting along the site frontage and to the rear boundaries has been provided which would assist in compensating for loss of habitat on site. The principle of additional planting in these areas is welcomed, however, it is noted that the scheme includes some non-native species. As discussed above this aspect is not approved at present and further details will be required of a suitable landscaping scheme which provides enhanced biodiversity gain and attractive planting, particularly to the highway frontage.

This scheme proposes no development in the Green Belt. The mature trees to the rear in the Green Belt are adequately distanced to remain unaffected by the development.

It is acknowledged that longer distance views of the dwellings could be available from the Green Belt to the south and from the rear most section of some of the adjoining neighbouring gardens, which are also in the Green Belt. The proposal is however an infill plot on an established residential street, and the development will be viewed in the context of the existing residential properties located either side of the site. The proposal does not therefore harm the openness of the adjoining Green Belt or the character of the area.

Acceptable landscaping details can be secured by condition to satisfy the requirements of UDP Policy BE6 and paragraph 130 of the NPPF.

Drainage and Flooding

Core Strategy Policy CS 67 (Flood Risk Management) seeks to reduce the extent and impact of flooding and requires the use of sustainable drainage systems or sustainable drainage techniques, where feasible and practicable. Policy CS 63 (Responses to Climate Change) also promotes the adoption of sustainable drainage systems (SuDS).

The Framework seeks to ensure that areas at little or no risk of flooding are developed (Flood Zone 1) in preference to areas at higher risk (Flood Zones 2 & 3)

and that the effects of flooding are reduced through the use of sustainable drainage systems. CS 63 and 67 are compatible with the Framework in terms of reducing the impacts of flooding and therefore retain substantial weight.

The site is in Flood Zone 1 (the lowest risk of flooding) as such the management of surface water is the primary consideration. Yorkshire Water has no objection to the scheme subject to conditions requiring the discharge of surface water is drained to a satisfactory outfall other than the existing local sewerage system. The application details that surface water will be discharged to a soakaway / watercourse. The specific detail of this will be controlled by condition.

Subject to appropriate drainage details being secured by condition, the proposal is acceptable from a drainage perspective.

Ground Conditions

The site was formerly a covered reservoir. The Council's Environmental Protection Service has identified a potential for ground contaminants associated with made ground. However, the risks are not considered to be significant and can be controlled by condition.

Community Infrastructure Levy

The site falls within CIL Charging Zone 3 and a CIL charge of £30 per square metre applies. There is an additional charge associated with the national All-in Tender Price Index for the calendar year in which the relevant planning permission is granted. All charges accord with Schedule 1 of The Community Infrastructure Levy Regulations 2010.

Response to Representations

Many of the points raised through representation have been discussed within the main body of the report. The remainder are discussed below:

Green Belt is located to the rear of the site. - There is a clearly defined curtilage boundary shown and this land falls outside the site boundary for this application. Concern has been raised that this would be absorbed into the plots. Such change would require planning permission and would be a matter for assessment separate to this current application. The ownership of the land is not a material consideration as planning is concerned with the use of the land.

The development conflicts with air quality objectives. – This is a small scale, low density development compatible with the surrounding land use which would generate limited vehicular movements. Whilst the layout has a drive accessing the rear of the site, this is the case for many new and existing developments across the city. The scheme would not have an unacceptable impact on air quality.

Objection to not being notified. - In line with the legal requirements set out in the Town and Country Planning Act and the Council's Code of Practice for Publicity and Consultation on Planning Applications adjoining residents have been consulted. Also

3 site notices have been placed in the vicinity of the site to allow for wider public notification.

Concern is raised that the dwellings appear to have HMO style layout, without a family bathroom and it is asserted that 4 water metres have been installed. - The application is for dwellinghouses (C3) rather than (C4)HMO which covers small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. Permitted development rights exist between C3 and C4 as they do for any residential property. Officers are of the view that it would be unreasonable to remove such permitted development rights in this instance. This is usually only done where such change of use would result in a disproportionate concentration of HMOs. This would not be the case in this area.

Concerns have been raised over the level of detail provided on the plans, accuracy and that the scheme was previously invalidated. – Officers have requested additional information during the course of the application following review of the plans and a site visit which highlighted conflict between the land levels presented and those on site. Additional detail regarding land levels, including proposed spot levels, a new site survey and additional sections have been provided during the course of the application to address this.

The previous footings would have to be removed to facilitate the development. - A surveyor's report prepared by the developer in relation to enforcement proceedings connected with the removal of the existing footings detailed that there would be issues with the integrity of boundary walls. Request is made that a report is commissioned to detail how the existing foundations will be removed safely and how any potential damage to the boundary wall and or third-party property will be rectified. The proposed finished floor levels would sit below the top of the footings associated with the previously quashed permission. As such some of the foundations will need to be removed, however it is not clear as to what the depth of the foundations are and therefore if there is scope for an element to be reused. It would be unnecessary to condition this as the proposed finished levels would form part of the approved plans list and the development must be built to accord with these. Officers are aware of the content of 2 surveyors reports which looked into the structural implications of the removal of these. This issue however falls outside the scope of what this application can consider and is essentially a private matter.

Object that the application is being considered due to enforcement proceedings. - Whilst there has been enforcement involvement on this site at the same time at this application, this does not alter the way in which this application is assessed or the policy requirements.

Development causes harm where none exists. – The impacts on the amenity of adjoining residents have been assessed above and found to be acceptable. The site is currently empty and so the proposal will result in change to the locality and nearby residents, however this change in itself does not equate to unacceptable harm.

Alternative design solutions would overcome some objections and harm. – Whilst

there are many alternative design solutions for the development of a piece of land, in this instance the plans presented are assessed and regarded as being compliant with policy requirements.

Concern is raised that the scheme will be amended post decision. - The planning system does allow mechanisms for this and any future submissions would require appropriate assessment.

Concern is raised that the land is allocated as green belt in the revised local plan. - This is not the case, the Green Belt boundary will remain as existing.

Concern is raised that the planning department are supporting the developer. - Paragraph 38 of the NPPF promotes Local Planning Authorities to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

Concern is raised that planning breaches would not be enforced. - Any approval would be subject to conditions that could be enforced. Enforcement action is discretionary, and the Councils Enforcement Section would act proportionately in responding to breaches of planning control to avoid unacceptable harm.

Summary and Recommendation

Consent is sought for 2 x 4 bedroomed dwelling houses on an undeveloped gap in the Wheel Lane residential street frontage.

The site has been the subject of extensive history including the dismissal of appeals.

The above assessment has discussed how this current application has addressed the previous reasons for refusal. These relate to the visual impact of the development in the streetscene and the impact of the development on the amenity of the adjacent residential occupiers, particularly with regard to overdominance and outlook. Matters relating to overdevelopment were not upheld at appeal and are similarly found to be acceptable in relation to the current proposal.

The assessment concludes that the current scheme is visually compatible with the streetscene, locality and character of the area. It would have an acceptable impact on residential amenity of surrounding occupiers and an acceptable impact on highway safety. Furthermore, matters of biodiversity, landscape, drainage and ground contamination are acceptable subject to the recommended conditions.

In the absence of a 5-year supply of housing land the tilted balance is engaged in accordance with Paragraph 11 of the NPPF and the positive and negative aspects of the scheme must be carefully weighed.

There would be a number of benefits that will arise from this application including:

- The scheme would deliver two residential units which would contribute to the City's housing land supply, at a time when it has been identified that there is a deficiency. This however is limited to 2 dwellings and moderate weight is attached to this.

- The development will trigger financial contributions through the Community Infrastructure Levy which would be invested in infrastructure and the provision of services within the city. Once occupied there would be increased Council Tax revenue. This would be a relatively minor positive impact and minimal weight is afforded to this.
- Future residents would generate local spend within the economy. This would be a relatively minor positive impact and minimal weight is afforded to this.

There are no real disbenefits to the scheme and the proposal sits suitably with policy aims.

In applying the titled balance in favour of sustainable development in NPPF Paragraph 11 (d), the scheme is regarded as being acceptable.

Recommendation: Grant Conditionally



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: The Head of Planning

Date: 10 October 2023

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

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 the upgrading of existing 48 sheet advertisement display to a digital poster at 668 Barnsley Road, Sheffield, S5 6UB (Case No: 23/00760/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 the erection of a single-storey rear extension to roof terrace area (resubmission of refused application 22/01508/FUL) at Flat 7, 3 Kenwood Road, Sheffield, S7 1NP (Case No: 22/03997/FUL).

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse a prior notification application for the erection of 20m street pole with associated cabinets (Application for determination if approval required for siting and appearance) at Causeway Head Road, adjacent to junction with Parkers Lane, Dore, Sheffield, S17 3DP (Case No: 22/03772/TEL).

(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse a prior notification application for the erection of 20m streetpole with associated cabinets and ancillary works (Application to determine if approval required for siting and appearance) at land at junction with Machon Bank Road, Sheffield, S7 1PE (Case No: 22/03717/TEL).

(v) An appeal has been submitted to the Secretary of State against the committee decision of the City Council to refuse planning permission for the demolition of outbuildings and use of former bakery/cafe (Use Class E) as a dwellinghouse (Use Class C3) with associated alterations to fenestration and landscaping (Re-submission of 21/03292/FUL) at Mobri Bakery, St Mary's Lane, Ecclesfield, Sheffield, S35 9YE (Case No: 22/02585/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 installation of 12 to 14 no. Photo Voltaic (PV) panels on roof, and Electric Vehicle (EV) charging point to parking bay at 28 Alexandra Gardens, Sheffield, S11 9DQ (Case No: 22/04524/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issue as being whether the proposal would preserve or enhance the character or appearance of the Nether Edge Conservation Area (NECA) and Nether Edge Hospital, Kingswood Building, a Grade 2 Listed Building.

They noted the significance of the NECA derives from its architectural quality, layout of buildings and its verdant character, and the significance of the Kingswood Building from its origins as a workhouse and its architectural features with the necessity to pay special attention to the desirability of preserving its setting.

They noted the appeal property was a 3-storey mid terraced dwelling in a wing that projects from the Kingswood Building and helps frame its rear elevation. They felt the installation of 8 solar PV panels on the rear roof slope would not have a direct relationship with the listed building in views from the public realm and isolation would preserve its character and appearance.

However, they felt the 4 panels of the front roof slope would result in an isolated and alien feature on an otherwise vast expanse of unbroken roof slope, and would not align with windows below, adding to their incongruity. They would contrast starkly with the grey slate roof making them appear conspicuous.

The Inspector felt they would be to the detriment of the setting of the listed building and the character of the NECA and this harm would be less than substantial, requiring a balancing exercise against public benefit as required by the NPPF.

Public benefit would derive from the delivery of renewable energy and its contribution to a low-carbon future, which given the scale attracted moderate weight in favour of the proposals. Energy security and cost savings were also benefits but unquantified and were attached limited weight in favour of the proposals.

The appellant drew attention to solar PV installations on nearby dwellings which the Inspector acknowledged but felt they had a materially different relationship with the listed building, giving them limited weight.

In concluding the Inspector attached considerable importance to the preservation of the character and appearance of the NECA and the listed building attaching great weight, and felt the less than substantial harm to these assets was not outweighed by the limited public benefits of the scheme,

and the appeal was dismissed.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the partial demolition of and alterations to existing dwelling including: the erection of a two/three storey extension (with glazed link, rooftop terrace and undercroft storage); erection of garden studio (detached); revised parking arrangements; and associated landscaping at 70 Riverdale Road, Sheffield, S10 3FD (Case No: 22/03675/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be whether the development preserves or enhances the character of the Ranmoor Conservation Area.

The Inspector highlights the prominent setting of the dwelling on the approach up Oakbrook Road, noting that the dwelling creates a focal point along this vista. The dwelling is on the edge of the Conservation Area, and when entering the Conservation Area from the east, along Riverdale Road the dwelling is viewed in the context of established vegetation both on and off site.

The Inspector finds that the architectural design and features of the dwelling, along with its verdant setting, contribute positively to the character and appearance of the Conservation Area.

The appeal proposals are for substantial alterations and extension of a contemporary design, incorporating a mixed palette of materials and a variety of design approaches. The Inspector concludes that from Riverdale Road, the extension would project above the boundary wall, and the large scale of the proposal would obscure much of the east elevation of the existing dwelling. The flat roof form, glazed balustrade and window designs would markedly contrast with the existing dwelling. When viewed from Oakbrook Road, the extension would appear at odds with the host dwelling and would compete with the original.

From inside the site The Inspector considered that the scale of the extension would visually dominate the modest and unassuming scale of the existing property. The loss of two silver birch trees from within the site would expose the site, making the extension even more prominent.

The inspector concluded that the proposal would be a negative addition which would fail to preserve or enhance the character or appearance of the Conservation Area. The impact on the Conservation Area would be less than substantial and would not be outweighed by public benefits.

The associated application for an award of costs was also refused.

4.0 APPEALS DECISIONS – ALLOWED

Nothing to report.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

(i) An appeal has been submitted to the Secretary of State against the Enforcement Notice served in respect of the breach of planning control as alleged in the Notice which is the unauthorised construction of a rear dormer extension to the property on the Land, and the change of use of the property comprising the use of the second floor as a separate residential flat within the property at 283-285 Shoreham Street (Our ref: 22/00575/ENCHU, Inspectorate ref: APP/J4423/C/23/3327003).

7.0 ENFORCEMENT APPEALS DISMISSED

(i) To report that an appeal against the Enforcement Notice issued by the Council for the unauthorised execution of operational development consisting of the erection of a front dormer roof extension at 35 Calvert Road, Sheffield, S9 5EU (Our ref: 22/00176/ENUHD, Inspectorate ref: APP/J4423/C/22/3312922) has been dismissed.

Officer Comment:-

The appellant appealed against the service of the notice on grounds (a) that planning permission should be granted, (c) if the matters alleged have occurred, they do not constitute a breach of planning control, (d) that at the time the notice was issued it was too late for enforcement action to be taken, (f) that the requirements of the notice exceed what is necessary to remedy the breach of control alleged and (g) that the time given to comply with the notice is too short.

Ground (a) (Appeal failed) The main issues were the effect of the development on the character and appearance of the host property and surrounding area. The development was the addition of a substantial sized dormer roof extension constructed of brick to the front elevation. It had an excessive length spanning across the roofline of the property with limited setback from the eaves. The width and height of the dormer roof extension resulted in it sitting just above the ridge height. Given this, the materials and positioning on the roof it appeared as almost an additional floor to the property.

The Inspector determined that the dormer resulted in a bulky and dominant feature, overpowering the roof form of the host property and that particularly of neighbouring property and the wider terrace row. In addition, the negative

and unbalanced appearance further exacerbated by the position of the large openings in the front which did not align with the proportions or replicate any fenestration details of the existing property nor those within the terrace row the property sits within, adding to its harmful appearance.

Therefore, the Inspector concluded that the dormer extension was a substantial addition to the roof and appears as an incongruous addition to the host property when viewed from Calvert Road and the wider area. Therefore, considered to cause unacceptable harm to the character and appearance of the host property and surrounding area.

The appellant also raised concerns on their individual circumstances of wanting additional living space within the property, delays with architects, builders, materials and Covid-19. However, the Inspector determined that these matters do not outweigh the harm identified, nor justify granting planning permission for the development.

The Inspector also considered the Article 8 of the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act 2010. The appellant's family, who intend to occupy the property have protected characteristics for the purposes of the PSED. However, the Inspector was satisfied that any interference with the human rights of the appellant, their family and potential occupants of the property was necessary and proportionate to avoid unacceptable harm to the character and appearance of the area.

Ground (c) (Appeal failed) - The burden of proof is on the appellant and the relevant test of the evidence is made on the balance of probabilities. The Inspector confirmed that the dormer was in breach of the General Permitted Development Order relating to alterations or additions to roofs and therefore planning permission was required.

The appellant claimed that that planning permission had been granted in 2006 to build a front dormer, which was not limited to any scale / form / size. The 2006 permission was for a 'Two-storey rear extension, single-storey side extension to form garage and erection of front dormer windows to dwellinghouse (which was a resubmission of application 05/02575/FUL that was refused)'. The permission was granted together with the relevant plans.

The appellant in support of their appeal included a letter relating to an application seeking building regulations approval for 'alterations to 3 dwellings to form 1 including two storey rear extension, single storey side extension, front dormer windows to dwellinghouse. (Resubmission Application)'. The Inspector's view was that the letter may indicate that the appellant had an intention to commence development it does not confirm that any development had commenced or that it had been substantially completed.

The Inspector further confirmed that the plans showed 3 rooflights in the front elevation and did not show a front dormer roof extension and the application form which accompanied the application did not confirm at that time the

application sought a front dormer roof extension. Furthermore, the officer report did not mention anything about the dormer extension. However, the Council accepted that the description of development in the 2006 permission incorrectly stated front dormer windows and this was a clerical error as such, the Inspector was satisfied that planning permission for front dormer windows was not granted in 2006, or that any extant permission exists for the alleged breach of planning control that being a front dormer roof extension.

Ground (d) (Appeal failed). A number of receipts were provided from a DIY shop from the appellant, however, the Inspector did not give weight either for or against allowing the appeal given that they did not specify that the materials were used or if they were for this development. The appellant's case was contradicted by the Council's evidence in respect of the dates given for the project, dormer works, the complaint and the Council's investigations made.

In addition, the requirement for ground (d) in the case of building operations, the whole of the alleged development must be 'substantially completed' more than 4 years before the date on which the notice was issued. The photo provided by the Council showed that the front dormer roof extension was not substantially completed on the date which the notice was issued, and the appellant accepts in the evidence they have not been able to finish the works.

Therefore, the Inspector, concluded, on the balance of probabilities, that the development was not substantially completed more than 4 years before the notice was issued. Therefore, appeal on ground (d) fails.

Ground (f) (appeal failed) The purposes of an enforcement notice are set out in section 173 of the Act and are to remedy the breach of planning control (s173(4)(a)) or to remedy injury to amenity (s173(4)(b)). Since the notice requires the removal of the front dormer roof extension and reinstatement of the roof to its former condition the purpose is clearly to fully remedy the breach and would not be fully remedied if the front dormer roof extension was allowed to remain on site, and the appellant did not provided sufficient evidence, to show that any lesser steps as those suggested, including size and scale would remedy the breach. Consequently, the Inspector concluded that the requirements were not excessive.

Ground (g) (appeal failed) The notice required compliance within six months of it coming into effect. The appellant sought an extension of time to the six months but did not specify what extent a reasonable timeframe would be. The appellant set out various reasons to the extension such as the current climate, increasing costs, raising funds, personal circumstances of their family, loss of the builder and trying to seek assistance to understand the full costs and building time scales.

The Inspector stated that the appellant has not provided any substantive evidence to support this part of the appeal and found inconsistencies throughout the evidence. Therefore, the Inspector was not satisfied that any assistance and builders cannot be found, and the works commissioned within

six months by that of a builder. Furthermore, given that the appeal 'stopped the clock' and the period for compliance does not start until the date of the appeal decision, the inspector concluded that the six months is a reasonable period.

The inspector further stated that, given the development is causing significant harm to the character and appearance of the surrounding area and fails to reinforce local distinctiveness. Therefore, it is in the public interest for the breach of planning control to be remedied as soon as reasonably possible.

8.0 ENFORCEMENT APPEALS ALLOWED

(ii) To report that an appeal against the Enforcement Notice issued by the Council for the unauthorised execution of operational development consisting of the erection of a front dormer at 121 Norton Lane, Sheffield, S8 8GX (Our ref: 22/00383/ENUHD, Inspectorate ref: APP/J4423/C/22/3312495) has been allowed.

Officer Comment:-

The appellant appealed against the service of the notice on grounds (a) that planning permission should be granted; (g) that the time given to comply with the notice is too short.

On the ground (a) appeal, the main issue was the effect of the front dormer extension upon the character and appearance of the appeal property.

The Inspector determined that the dormer window maintains largely good spacing around it and to the extremities of the roof, he considered that the alignment of the ridge with that of the main house roof did not appear as an excessively scaled or overly dominant addition to the roof. The window depth is less than that of windows within the bay at lower levels, however, the inspector whilst accepting that the misalignment of the dormer with those windows below. The Inspector concluded that the window was not harmful to the character or appearance of the property nor to be fatal, therefore, the appeal under ground (a) succeeded.

The appeal on ground (g) therefore was not considered.

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson

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