



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Regeneration & Development Services

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**Date:** 10 February 2015

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

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

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**Summary:**

List of all newly submitted planning appeals and decisions received, together with a brief summary of the Inspector's reason for the decision

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**Reasons for Recommendations**

**Recommendations:**

To Note

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**Background Papers:**

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**Category of Report:** OPEN

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## DEVELOPMENT SERVICES

REPORT TO PLANNING &  
HIGHWAYS COMMITTEE  
10 February 2015

### 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 demolition of single-storey rear extension, erection of two-storey front extension, alterations to garage to form habitable living accommodation and single-storey side/rear extension to dwellinghouse at 167 Bradway Road Sheffield S17 4PF (Case No 14/02476/FUL)

(ii) An appeal has been submitted to the Secretary of State against the decision of the Council at its meeting of 26 August 2014 to refuse with enforcement action replacement of front entrance doors and frame surrounds at 9 and 11 Moor Oaks Road Sheffield S10 1BX (Case No 14/01854/FUL)

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of a bungalow at land Adjacent 8A Stuart Road Sheffield S35 1XP (Case No 14/02752/FUL)

### 3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the decision of the Council at its meeting of 26 August 2014 to refuse planning consent for replacement of front door and frame to dwellinghouse (Retrospective application) at 31 Moor Oaks Road Sheffield S10 1BX (Case No 14/02148/FUL) has been dismissed.

#### Officer Comment:-

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

He noted most of the properties in the group displayed traditional timber doors and frames, and that the special interest of the Broomhill Conservation Area is formed from its collection of Victorian villas and terraced houses, with Moors

Oaks Road being an example of this.

He considered that although the door is of a similar style, the use of uPVC, with manufactured joints, flat appearance, bulky profiling and absence of joinery detailing make it apparent in the street scene, jarring with the finer profile and more ornate detailing of traditional timber doors and frames of neighbouring properties that the Article 4 Direction has been imposed to preserve.

He noted the presence of other examples in the street but considered that the cumulative effect of these would give rise to substantial harm. Although the impact of this one example would be less than substantial, the Inspector highlighted the requirement of paragraphs 132 and 134 of the NPPF that require any harm to have clear and convincing justification, and to be balanced against any public benefit.

He felt the limited energy efficiency and security to the property did not outweigh the harm caused to the character and appearance of the Conservation Area.

(ii) An appeal against the delegated decision of the Council to refuse planning consent for erection of a detached double garage to the front of the dwellinghouse at 297 Ecclesall Road South Sheffield S11 9PQ (Case No 14/03131/FUL)

Officer Comment:-

The Inspector considered the main issue to be the effect of the development on the character and appearance of Ecclesall Road South.

The Inspector agreed with officer's judgement that the garage, located in the front garden would interrupt the established building line and rhythm of the street, detracting from the character of open landscaped frontages.

He felt the presence of trees and other planting would help to screen it, but at 5m high it would be clearly visible above the planting, especially in winter months.

He also noted other examples within the street scene of front garden garages but felt that these served to confirm the negative impact they have upon the character of the area.

#### 4.0 APPEAL – ENFORCEMENT NOTICE

- (i) To report that 3 appeals against Enforcement Notices served in respect of unauthorised replacement uPVC windows at 261A, 269A and 271-273 Fulwood Road (Case No's 13/00533/ENART4, 14/00165/ENART4 and 13/00396/EMUD) have been dismissed

Officer Comment:-

These 3 appeals related to the service of 3 enforcement notices, requiring the removal of upper floor uPVC windows, and painting of stone features at the properties which are commercial properties in the Broomhill Conservation area, with flats above.

The appeals were made under grounds a) and f).

Ground a) appeals claim that planning permission should be granted for the unauthorised works specified in the notice. The Inspector notes that this has already been considered by a previous appeal against the refusal of planning permission for the works, which was refused, and dismissed on appeal in April 2014. He considers this to be a material consideration of very substantial weight. He then agrees with the decision and reasoning in that decision and concludes the works are harmful to the Conservation Area, failing to preserve or enhance its character, and offer no public benefit.

The ground f) appeal claims that the steps required in the notice are excessive and the appellant sought to remedy the painting of the cills with a scheme to be agreed with the Council. However the Inspector considered that this introduced a lack of certainty as to what was required, and that the notice had specified the minimum steps necessary to remedy the breach.

He therefore dismissed the appeals.

## 5.0 COSTS AWARD OUTCOME

Members will recall an appeal decision relating to the proposed demolition of the former Cart and Horses PH, Wortley Road, High Green and its replacement with a convenience store and a take-away hot food shop. (Application No, 12/03543/FUL refers) A public Inquiry was held and at its conclusion, a request for an award of costs was made by the appellants.

Members will be aware that the appeal was upheld and, in addition, a partial award of costs was made against the Council. The reason for this being that the Inspector considered that the evidence produced in relation to the highway impacts of the scheme amply explained its objections. However, the Inspector considered that the Council failed to show reasonable planning grounds to support its decision in relation to the impact on the character and appearance of the locality.

A claim for the costs of defending that part of the case was submitted to the Council. Negotiations took place and ultimately, the costs were agreed at £75,000 + VAT (i.e. £90,000). Members should be aware that this award far exceeded the amount budgeted for all legal fees and so had to be found from

the Planning Service budget, which is largely used to fund planning staff. It is therefore important to learn any lessons.

In summary, the Inspector concluded that:

- Scale, massing, detailing and appearance of the building would be a worthy addition to the street scene
- The building would not harm character and appearance of the area
- There would be no harm on outlook from nearest dwelling.

In awarding the costs, the Inspector stated (again in summary) that:

- There was no reasonable planning grounds or relevant evidence to justify going against officer advice Concern about materials was capable of being dealt with by condition
- The Council admitted at the Inquiry that this ground alone wasn't strong enough
- This was unreasonable behaviour

This decision was taken by the former West and North Committee, but it highlights the importance of Members having valid grounds and evidence to support going against officer advice on technical planning grounds. This Committee has had no large costs awards against its decisions and the Council's record over the last 5 years is very good, with only around 25% of appeals being upheld by the Planning Inspectorate compared to the national average of 34% upheld. So this was an exceptional case, but worth Members noting

## 6.0 RECOMMENDATIONS

That the report be noted

Maria Duffy  
Acting Head of Planning

*10 February 2015*

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