



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 28 June 2016

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

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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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
28 JUNE 2016

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

This report provides a schedule of all newly submitted planning appeals and decisions received, together with a brief summary of the Secretary of State's reasons for the decisions.

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse advertisement consent for a freestanding 48 sheet LED advertising unit at Motorpoint Arena Broughton Lane Sheffield S9 2DF (Case No 16/00108/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 conversion of part of flower shop to flat (re-submission of 14/04166/FUL) at Katie Peckett 884 Ecclesall Road Sheffield S11 8TP (Case No 15/04040/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) To report that an appeal against the decision of the Council at its meeting of 1 December 2015 to refuse planning consent with enforcement action for the Construction of glass balustrade to rear of dwellinghouse (Retrospective) at 30 Stainton Road Sheffield S11 7AX (Case No 15/03156/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issue as being the effect of the balustrade on the living conditions of neighbouring occupiers, in respect of privacy.

She agreed with the Council that although overlooking in terraced situations was not unusual, the presence of a high level balustrade to the dormer window offers more extensive and wide ranging views than a normal window, with particular impact on no's 32 Stainton Road, and 89 Rustlings Road, and therefore agreed the balustrade was harmful, and contrary to Policy H14 of the UDP, so dismissed the appeal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning consent for alterations and extension to outbuilding to form an annexe for a dependent relative (re-submission of 14/02542/FUL) at 2 Bank Farm Bank Lane Sheffield S36 3SS (Case No 15/02972/FUL) has been dismissed.

Officer Comment:-

The Inspector considered that the main issues were; a) whether the development would be inappropriate development in the Green Belt; b) its effect on the openness and visual amenity of the Green Belt; and c) if inappropriate, whether the harm was clearly outweighed by other considerations sufficient to amount to the very special circumstances needed to justify the development.

The NPPF and Sheffield UDP Policy GE6 set out that the extension or alteration of a building in the Green Belt may not be inappropriate provided it does not result in disproportionate additions over and above the size of the original building and are minor additions. The proposal would increase the size of the original building floorspace by approximately 160% and the overall volume by a similar amount. The Inspector did not find this to be a modest increase or within the bounds of tolerance and so concluded that the proposal conflicts with both the NPPF and the UDP

The NPPF and UDP policy GE9 state that the re-use of a building in the Green Belt may not be inappropriate provided that the building is of permanent and substantial construction. preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. However, the building would be more than doubled in size and only the rear wall of the original building would remain visible along with a later conservatory. The Inspector considered that this did not represent a reuse of the building and so was contrary to the NPPF and UDP policy. The development was a disproportionate addition and so comprised inappropriate development in the Green Belt and, by definition, harmful to the Green Belt

The proposed extensions would result in additional built form extending into the currently undeveloped garden area. This would lead to some loss of openness conflicting with one of the main aims of Green Belt policies. It would be seen against rising ground and would not be readily visible from public viewpoints so would only have a modest impact on the visual amenity of the Green Belt

The Inspector considered the fact that the accommodation to be provided would be for an elderly relative but was of the opinion that the same or similar circumstances could apply to many other properties or persons living in the Green Belt so could only give the personal circumstances limited weight. Consistent with this, the Secretary of State issues a planning policy statement on Green Belt protection in August 2015 setting out the government's policy that personal circumstances and unmet need are unlikely to outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

The Inspector considered the matters of the design of the building being in keeping with other nearby buildings and the fact that there were no highway issues arising but felt that these did not add weight in favour of the proposal, merely added no weight against it.

Overall, the Inspector considered the proposal to be inappropriate development harming the openness of the Green Belt and its character and appearance contrary to national and local policy and so dismissed the appeal.

4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for the use of dwellinghouse as a house in multiple occupation (Use Class C4) and alterations to roof space to form additional living accommodation at 77 Duchess Road Sheffield S2 4BL (Case No 15/03842/FUL) was allowed subject to conditions.

Officer Comment:-

As the Council had no issue with the roof alterations the Inspector identified the main issue as being whether the proposal complied with national and local policies aimed at creating balanced communities having regard to the current level of shared housing in the area.

The proposal would provide a six bedroom Class C4 property in the portion of the Fringe Industry and Business Area that is more residential in character. The Inspector notes that the property falls within an Article 4 Direction where Permitted Development rights for a change of use from C3 to C4 have been removed and that the Council's Core Strategy Policy CS41 seeks to limit the proportion of shared housing within 200m of an application site to 20% as a method of achieving balanced communities.

The Council's evidence showed that 27% of properties within a 200m radius were in shared housing use. If the large purpose built student accommodation at 'The Anvil' was removed from the calculation this would reduce to 19.7%.

He considered the case to be very marginal and on the basis that the dwelling was in close proximity to commercial uses so unlikely to attract family use, and that it is only by including The Anvil the figure exceeds the policy threshold, the appeal proposal would not conflict to a significant degree with the aim of creating balanced communities.

He therefore allowed the appeal,

5.0 RECOMMENDATIONS

That the report be noted

Mike Hayden
Head of Planning

28 June 2016