



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 25 May 2021

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

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 City Council for the non-determination of a planning application for the alterations and extensions to roof space to form additional habitable accommodation including erection of rear dormer, erection of first floor side extension over attached garage, and erection of single-storey rear extension at lower ground floor level including raised terrace at lower ground floor and ground floor level with new access steps to garden at 43 Pingle Avenue, Sheffield, S7 2LP (Case No: 20/04403/FUL).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of single-storey front extension to dwellinghouse at 8 Southey Drive, Sheffield, S5 7NR (Case No: 20/04098/FUL) has been dismissed.

Officer Comment:-

The main issue was the effect of the proposed extension on the character and appearance of the existing building and a streetscene with a high degree of consistency and clear pattern of development, though not a conservation area.

The proposed extension encompassed the full width of the front elevation of the dwelling and was faced with brickwork with a single wide window to the front. However, given the small size of the garden, the proximity to the road and the scale of the proposal, the Inspector agreed that it would appear highly prominent and incongruous, conflicting with the existing pattern of development and at odds with the character and appearance of the streetscene.

The Inspector also noted that the extension conflicted with the Council's

Supplementary Planning Guidance (SPG) Designing House Extensions, which states that extensions to the front should not project out more than 1.5m.

The Inspector concluded that the proposal would be harmful to the character and appearance of the existing dwelling and the character and appearance of the streetscene, in conflict with policies BE5 and H14 of the UDP, the guidance contained within the SPG and paragraph 127 of the National Planning Policy Framework.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of a two-storey rear extension, alterations to roof space to form habitable accommodation including erection of front and rear dormer windows, formation of ground floor front box window and first-floor front balcony (amended description 24.08.20) at 808 Ecclesall Road, Sheffield, S11 8TD (Case No: 20/02169/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issues as being:-

- i) The effect of the front dormer on the appearance of the building and the area;
- ii) The effect of the two storey extension on the living conditions of no.810 Ecclesall Road in terms of light.

They agreed with officers that in respect of i) the dormer was too large, dominated the roof plane, and would be a discordant addition that would adversely affect the character of the area.

However, in respect of ii) they considered that despite the mass of the first floor extension in close proximity to no.810, the adjacent property would not suffer significant loss of light that would lead to unacceptable living conditions.

The appeal was therefore dismissed owing to the matters arising in i).

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of a 15 metre high monopole and associated ancillary works (Application for determination if approval required for siting and appearance) at Telecommunications Mast at junction with Ecclesall Road South and Abbey Lane, Sheffield, S11 9PW (Case No: 20/01900/TEL) has been dismissed.

Officer Comment:-

The main issue was identified as the effect of the proposal on the character and appearance of the area.

The Inspector noted the location had a residential character adjacent to Parkhead Cricket Ground and the presence of an existing 12.5m monopole

immediately adjacent which is prominent given the open, corner location. He noted the replacement pole was bulky in appearance and would be taller than other existing structures, including the prominent trees within the cricket ground, such that it would be highly prominent in views in and around the junction and from neighbouring residential properties. He also considered there would be additional impact from the associated cabinets that would lead to a cluttered appearance in a prominent location.

Whilst noting the public benefits of enhanced communication he concluded this did not outweigh the harm to the character and appearance of the area and found conflict with policies BE14 and H14 of the UDP in dismissing the appeal.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for the demolition of side porch, erection of two-storey side and single-storey rear extension to dwellinghouse at 62 Linaker Road, Sheffield, S6 5DT (Case No: 20/01503/FUL) has been dismissed.

Officer Comment:-

The main issue was the effect of the proposal on the character and appearance of the host property and street scene.

The Inspector noted that houses in the locality generally feature generous set backs from both the highway and other properties, resulting in a spacious and open character to the street scene. The Inspector felt that the space to the side of this two storey semi-detached corner property, which mirrors that of the corner property facing the appeal site, contributes positively to the openness of the area.

The Inspector concluded that, as the proposal would extend beyond the clearly apparent building line on this section of Robertson Road and erode the spaciousness of the corner plot, it would harm the open character of the area and the appearance of the street scene, in conflict with Policies BE5 and H14 of the UDP, Policy CS74 of the Core Strategy, advice in the SPG and the design aims of the National Planning Policy Framework.

(v) To report that an appeal against the delegated decision of the Council to refuse planning permission for the use of residential accommodation (Use Class C3 - dwellinghouses) as a HMO - (Sui-Generis), replacement windows and doors, provision of new means of vehicular access with off-street car parking accommodation and removal of a tree at 35 Glen Road, Sheffield, S7 1RA (Case No: 20/00667/FUL) has been dismissed.

Officer Comment:-

The main issues were identified as i) the impact on the character and appearance of the host property and ii) whether the proposals preserve or enhance the character and appearance of the Nether Edge Conservation Area.

The Inspector noted the traditional character of the host property, and the incremental harm, identified in the Conservation Area appraisal, being caused to the character of the Conservation Area by small scale alterations such as those proposed. He further noted the presence of the Article 4 direction intended to halt and reverse such harm.

He considered the use of modern upvc windows, with bulkier, flatter, smoother and shinier appearance than traditional timber windows, and the loss of the front garden for hardstanding would cause significant harm and erode the verdant character of the street scene, and have a detrimental effect on the character of the Conservation Area.

He noted other examples locally of hard standings and upvc windows, nevertheless he considered these were not sympathetic to the character of the Conservation Area.

He therefore agreed with officers that the works failed to meet the statutory duty to preserve and enhance the character of the Conservation Area and was contrary to UDP Policies BE16, BE17 and H14 and CS74 of the Core Strategy. In addition, he considered any public benefit arising from providing off street parking would be negated by the loss of on street space, and this did not therefore outweigh the harm to the heritage asset in the terms of paras 193 to 196 of the NPPF, and dismissed the appeal.

(vi) To report that an appeal against the delegated decision of the Council to refuse planning permission for an application to allow use of basement as a living room or bedroom (Application under Section 73 to remove condition 3 of planning permission no. 10/01518/CHU) at 7 Nile Street, Sheffield, S10 2PN (Case No: 19/03389/CHU) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be whether the basement would provide suitable living accommodation with particular regard to outlook, daylight, privacy and ventilation.

The Inspector concluded that owing to the orientation of the room; the restrictions on outlook caused by the lightwell and presence of a boundary wall; the ability to open windows; and limitations on views into the room; the basement would provide satisfactory ventilation and privacy, but that the poor outlook and low light levels in the room would mean views dominated by a stone wall at close proximity and a heavy reliance on artificial light, such unsatisfactory living conditions would be provided overall, and the removal of condition 3 was not justified.

As such the appeal was dismissed.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the removal of 9.7m monopole and associated cabinets and erection of 20m monopole with 7no associated equipment cabinets and associated works at Telecommunications Mast north west of 285 Psalter Lane, Sheffield, S11 8UU (Case No: 20/02204/FULTEL) has been allowed.

Officer Comment:-

The main issues identified by the Inspector were:-

- i) The effect on the setting of the Nether Edge Conservation Area;
- ii) The effect on the character and appearance of the locality;
- iii) If harm is caused whether this is outweighed by other considerations.

In terms of i) the Inspector considered owing to topography and road layout and the distance of over 100m to the Conservation Area boundary, the works would have a neutral impact on the setting of the Conservation Area.

Regarding ii) the Inspector concluded the pole would have a significant incongruous effect that would be out of scale and character with surrounding structures, and whilst he found the appellants evidence of the search area to be lacking, accepted that the utilisation and replacement of an existing site was warranted. He found this conflicted with UDP policy BE14 and CS74 of the Core Strategy.

Other considerations (iii) were recognised by the Inspector who considered the social and economic benefits of improved bandwidth, system capabilities and delivery of next generation capabilities to represent significant potential improvements and benefits for private and business users that had potential to enhance home working, reduce travel requirements and benefit emergency services. These factors and the potential future benefits of mast sharing were matters that weighed in favour of the development.

Overall the Inspector considered the Planning Balance to lie in favour of the development as the overall degree of harm identified in ii) was limited and that would be outweighed by the telecommunications enhancements and associated benefits.

(ii) To report that an appeal against the committee decision of the Council to refuse planning permission for the demolition of existing building and erection of a three/four-storey building to form 9 apartments including bike store, car parking, communal garden space and landscaping works at The White House, Vicarage Lane, Sheffield, S17 3GX (Case no: 20/00040/FUL) has been allowed.

Officer Comment:-

The Inspector considered the main issues to be:-

- i) The effect of the development on the character and appearance of the area, and the setting of the adjoining Dore Conservation Area;
- ii) The effect on the living conditions of occupiers of no's 5, 17 and 19 Vicarage Lane with particular regard to outlook.

The Inspector considered for i) that the replacement building although much larger than the existing building on the site was set away from boundaries, providing a spacious setting, and the height, footprint and scale would not result in overdevelopment, and the design was appropriate, As such it would not harm the character or appearance of the area, nor the setting of the Dore Conservation Area and would comply with policies BE5, BE16, H14 (UDP) CS31 and CS74 (Core Strategy) and paragraph 127 of the National Planning Policy Framework (NPPF).

In terms of living conditions, the Inspector considered the outlook from no5, whilst affected would not be of an overbearing or oppressive presence, owing to the separation (including public footpath) and angle of view.

The distance from, and orientation of no17 were also such that although the property would be visible from the rear garden it would again not be overbearing or oppressive.

Equally, whilst visible from gable windows within no19 the Inspector noted most windows faced another direction and that no harm would result.

Overall on this point the Inspector acknowledged the greater presence of the proposed building but did not feel this would be at a level that could be considered harmful to living conditions of 5, 17 and 19 Vicarage Lane and found no conflict with policies BE5, H14 (UDP) CS31, CS74 (Core Strategy) and paragraph 127 of the NPPF.

The appeal was therefore allowed.

5.0 CIL APPEALS DECISIONS

(i) To report that a CIL appeal (Regulation 117(1)(a)) against the decision of the City Council to impose a surcharge to the chargeable amount of CIL for the application for the change of use to retail at ground floor (Use Class A1) and 4x flats (Use Class C3) at first & second floor at 727 - 729 Chesterfield Road, Sheffield, S8 0SL (Case No: 20/01178/FUL) has been dismissed.

Officer Comment:-

A surcharge was imposed on the application above under CIL Regulation 83 Surcharge for failure to submit a commencement notice.

An appeal under Regulation 117(1)(a) is that the alleged breach that led to the surcharge did not occur. The appellant claimed that they had posted a commencement notice, but they did not have proof of postage and the Council did not have any evidence of receiving it.

The Planning Inspectorate highlighted that the Liability Notice clearly warns of the possible consequences of failing to submit a commencement notice and explains that on receipt of a commencement notice the Council will issue an acknowledgement. That it is was the appellant's responsibility to ensure the Council were in possession of a valid commencement notice before commencing works on the chargeable development. Therefore, the onus was on the appellant to make sure the Council were in safe receipt of the commencement notice and that there is no onus on the Council to provide evidence that they have not received documents.

The Planning Inspectorate could not be satisfied that a commencement notice was submitted from the evidence provided and therefore, concluded that the alleged breach occurred. The appeal fails accordingly and it was dismissed and the surcharge of £2,500 upheld.

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 is without planning permission, the unauthorised use of the land as car sales and the erection of fencing and other materials at land adjoining the Adelphi Club, Vicarage Road, Attercliffe, Sheffield, S9 3RH (Planning Inspectorate Ref: APP/J4423/C/21/3270054).

(ii) 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 is without planning permission, the unauthorised erection of a large timber building at field at rear of 254 and 254A High Greave, Sheffield, S5 9GR (Planning Inspectorate Ref: APP/J4423/C/21/3270434).

7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report

8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

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