



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 17 August 2021

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 Committee decision of the City Council to refuse planning permission for the erection of 3 single-storey dwellinghouses and provision of car parking and amenity space at 151-153 Thompson Hill, Sheffield, S35 4JS (Case No: 21/00482/FUL).

(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 15.0m Monopole with associated cabinets and ancillary works (Application to determine if approval is required for siting and appearance) at land opposite 1-3 Burngreave Road Sheffield S3 9DA (Case No: 21/01778/TEL).

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 detached outbuilding at The Dairy, New Hall Farm, New Hall Lane, Sheffield, S36 4AE (Case No: 20/03611/FUL) has been dismissed.

Officer Comment:-

The main issues in this case are: whether the proposed outbuilding represents inappropriate development in the Green Belt; its effect on the openness of the Green Belt; its effect on the character and appearance of the area; and, if the proposed development is inappropriate, whether there are very special circumstances that outweigh the harm and so justify the proposal.

The Inspector found that:

- the proposed single-storey outbuilding does not meet any of the exceptions specified by paragraph 149 of the NPPF and so would be inappropriate development in the Green Belt.

- the proposal would be located within an open garden where it would not preserve the openness of the Green Belt.
- the proposal's utilitarian design and oak-framed material finish would be markedly different to the traditional rural design and stone exterior of the host property and so would have a significant adverse visual impact on the area's rural character.
- the lack of living, playing and storage space within the host property, and lack of dry storage in the existing detached garage do not amount to very special circumstances to justify the development.

The Inspector concluded that the proposal would conflict with paragraphs 147 and 149 of the NPPF and policies GE1 and GE3 of the UDP, which aim to ensure that only appropriate development is permitted in the Green Belt. The proposal would also conflict with policy BE5 of the UDP and paragraphs 130 and 174 of the NPPF.

(ii) To report that an appeal against the delegated decision of the Council to refuse Listed Building Consent for the replacement of windows and entrance door to the front elevation and replacement of small bathroom window to dwellinghouse at 59 Greenhill Main Road, Sheffield, S8 7RE (Case No: 20/02318/LBC) has been dismissed.

Officer Comment:-

The Inspector considered the main issue was whether the development would preserve the grade II listed building, 59 Greenhill Main Road, and any of the features of special architectural or historic interest that it possesses, and the effect on the character or appearance of the Greenhill Conservation Area (GCA).

She noted the prominence of the listed house within the GCA and that its windows and door had been altered from their original form though the windows remained single glazed and made up of small, individual panes of glass held in place by slim glazing bars in timber frames, giving the appearance of historic sash windows. The door was noted as being an 8 panel, non-traditional design. Nevertheless she considered the building historic form had been retained.

She felt the replacement windows would reflect the 8 over 8 pattern and slim glazing bar profile of historic windows but would contain double glazed panels and 'applied' rather than 'through' glazing bars, to one single window unit per window. The bars are to be applied in grid form to the window frame on either face, and the Inspector was satisfied this would not lead to future detachment.

However she felt that owing to the 24mm depth of the glazing units, this would expose wide cavities and spacer bars in oblique views and the double glazed units proposed and the rebates required to accommodate them would be disproportionately and uncharacteristically deep and would appear unduly heavy and bulky. As a result, she concluded the windows would fail to preserve the authenticity or appearance of the listed building's front and side

elevations.

She also considered the proposed solid timber door with its vertical boarded design and small central window would have an unduly rustic appearance which would be more consistent with the vernacular buildings around the site than with the formally-designed appeal building.

Given the above, she considered the proposal would fail to preserve the special interest of the listed building.

The appellant argued that the double glazed units were necessary for noise reduction owing to the proximity of the dwelling to the neighbouring public house and its associated music, however the Inspector concluded that there were other means of addressing the noise concern.

Overall agreed with officers and concluded that the proposal would fail to preserve the special interest of the grade II listed building, and would cause harm to the appearance of the GCA. It would therefore fail to satisfy the requirements of the Act and the Framework, and conflict with Policies BE15 and BE19 of the Sheffield Unitary Development Plan and Policy CS74 of the Sheffield Development Framework Core Strategy.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that A) an appeal against the Council for the refusal of an application for planning permission for the erection of three dwellinghouses including demolition of existing garden chalet to facilitate access at 45 Dore Road, Sheffield, S17 3NA (Case No: 19/03983/FUL) has been allowed; and B) that an application for an award of costs submitted by the appellants has been dismissed.

Officer Comment:-

A)

The Inspector identified the main issues as being i) the effect of the appeal proposal on the character and appearance of the area, with particular regard to layout and form; and ii) the living conditions of occupants of neighbouring properties, with particular regard to levels of privacy.

For i) the Inspector noted the site was a generous residential garden within the mature leafy suburb of Dore, and that many shared the characteristic of large dwellings fronting Dore Road within wide frontages containing vehicle access. He noted back land developments in the wider area.

He considered the subdivision of the plot would not be immediately evident from Dore Road owing the screening effect of the host dwelling and the dual access arrangements would not be dissimilar to others within the locality. The impact would therefore be on views from neighbouring dwellings across the green spaces of rear gardens where increased activity and built form would be present and would reduce the tranquillity of these green spaces, a characteristic of the area. The Inspector did not however consider this

intrusion to be sufficient to withhold permission, and also felt it could be mitigated with landscaping conditions.

The Inspector did not agree that the density of the development would be at odds with the surrounding context.

Overall, the Inspector concluded the host property would continue to present as a large dwelling situated within generous, maturely planted grounds when viewed from the street. The form of development proposed would be inconspicuous in the street scene and the resulting plots would echo the secluded nature of many properties in this area. Such an arrangement would not compromise the existing visual aesthetic of this neighbourhood. The appeal proposal would therefore have a neutral impact on the character and appearance of the area.

For those reasons they concluded the development would not be harmful to the character and appearance of the area and found no conflict with policies CS26, CS31 (Core Strategy) and BE5, H14 (UDP).

In terms of ii) the Inspector considered the level of separation from neighbouring properties would avoid privacy concerns and overall following the submission of amended proposals removing certain windows found no conflict with policy H14 (UDP) and then paragraph 127 of the NPPF.

The appeal was therefore allowed subject to conditions.

B) The appellants costs claim was based upon the following:-

- a) Council failure to apply policy CS31 appropriately or consistently, failing to give due weight to similar developments in the locality, and to evidence the harm from the development;
- b) Council failure to provide a full statement and list of conditions for the appeal and late introduction of second reason for refusal (privacy);
- c) unnecessary expense resulted in pursuing the appeal as a result of a) and b).

For a) the Inspector noted the element of subjectivity associated with character assessment and whilst they had disagreed with the Council's conclusions found no evidence of inconsistency of application of the relevant policies. In addition the officer report had clearly taken account of the character of the wider area.

For b) the Inspector confirmed it is the Council's prerogative to rely on the original officer report in lieu of a statement and whilst the absence of conditions was disappointing the additional expense incurred by the appellants in producing a list was not significant.

Equally whilst the late introduction of a second refusal reason should have been avoided, given the more fundamental disagreement on the impact on character the appeal would have still arisen.

In terms of c) the Inspector did not consider the Council's actions to amount to unreasonable behaviour that would lead to costs award and consequently unnecessary additional expense had not occurred on behalf of the appellant.

The application for costs was therefore dismissed.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

Nothing to report.

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

17 August 2021