

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 decision of the City Council to refuse planning permission, under delegated powers on 25th July 2012, for a two storey side/rear/front extension, single storey rear extension, and alterations/extension to a roof with front and rear dormers to create additional living accommodation (amendments to previously approved scheme ref: 12/00396/FUL) at 20 High Storrs Rise, Sheffield, S11 7LB (Case no: 12/01309/FUL).

3.0 APPEALS DECISIONS – ALLOWED CONDITIONALLY

i) An appeal has been allowed, conditionally, against the decision of the City Council to refuse planning permission, under delegated powers on 1st June 2012, for the demolition of a garage, carport and porch and the erection of a two-storey side/rear extension, front porch and two single-storey rear extensions to a dwelling house at 173 Prospect Road, Bradway, Sheffield, S17 4HY (Case No: 12/01115/FUL).

Officer Comment:-

This appeal related to a resubmission of a previously approved house extension proposal, but which sought the use of a full gable to the roof rather than the half-hipped roof previously approved.

The Inspector considered the main issue to be the impact of the hip to gable enlargement upon the character and appearance of the street scene.

He noted the street scene largely semi detached properties with a wide variation of form and design. He considered the area, whilst pleasant, lacked distinctive character, and included other examples of hip to gable extensions.

He notes that it is an accepted design principle that side extensions should reflect the original roof form of the property, and be subservient to it. He felt that whilst the extensions would bring a degree of imbalance to the pair of semi detached properties and the street, and that the gable roof would increase its presence, such a roof form was not uncommon in the street, whereas a half hip would be.

On balance therefore he considered the gable would be preferred to the previous approval and allowed the appeal.

4.0 APPEALS DECISIONS - DISMISSED

i) An appeal has been dismissed against the decision by the City Council to refuse planning permission, at its meeting held on 17th January 2012, for an application, under Section 191, to establish lawful use of the building for servicing, repair, maintenance, MOT and other works to vehicles at The Meersbrook Garage, 1 to 7 Meersbrook Road, Sheffield (Case No: 11/02111/LU1).

Officer Comment –

The background to this case is a refusal of retrospective planning permission for alterations and extensions of a vehicle repair garage and MOT service facility, owing to impact on residents from noise and disturbance, and highway safety concerns. Subsequently the applicant submitted a lawful use application to establish that a former showroom to the west of the MOT bay had been in continuous use in excess of 10 years for the service, repair and maintenance of vehicles. The Council refused this application owing to lack of evidence.

The Inspector's role in this case was to determine whether that decision was well founded, but could not consider the planning merits of the use.

He assessed the weight of evidence provided by the appellant that the use had existed for more than 10 years, against contradictory evidence provided by local residents, and concluded that on a fact and degree basis the evidence was insufficient to justify the grant of a lawful development certificate on the balance of probabilities, and dismissed the appeal.

ii) An appeal has been dismissed against the decision of the City Council to part refuse an application for advertising consent, under delegated powers on 10th April 2012, to erect illuminated and non illuminated signs at The Marples, 4 Fitzalan Square, Sheffield (Case No: 12/00326/ADV).

Officer Comment:-

The Inspector agreed that the proposed banner advertisement is excessive in its scale and siting and entirely obscures a significant stone feature band, which is part of the architecture of the building. He concluded that the signage would have a considerable and unacceptable impact on the character and appearance of the building and upon the amenity of the area.

iii) An appeal has been dismissed against an enforcement notice served by the City Council on 16th April 2012, in respect of the removal of a stone wall and the erection of a steel roller shutter and shutter box to the rear of the property at 4 Parkers Road, Broomhill, Sheffield, S10 1BN.

Officer Comment:-

The appellant appealed against the enforcement notice on grounds (a)- that planning permission should be granted for the works; (c)- that there has not been a breach of planning control; and (f)- that the steps required in the notice are excessive.

On ground (a) the Inspector considered the main issue to be the effect of the works on the character and appearance of the Broomhill Conservation Area. The appellant referred to several other properties in the area having removed rear walls and created hard standings, however the Inspector noted these predated the introduction of the Article 4 Direction removing the right to carry out such works and did not feel this justified further degradation of character. He agreed with the Council that the roller shutter had an industrial appearance 'strikingly out of keeping' with the 19th Century architecture of the area. He concluded that the works were detrimental to the character of the Conservation Area, and that the appeal on ground (a) fails.

On ground (c) the Inspector concluded that planning permission was required for the removal of the rear wall (due to the Article 4 Direction) and the erection of a shutter of 2.5m high. The appeal failed on this ground.

On ground (f) the appellant argued that painting the shutter a different colour or growing ivy up it would be sufficient lesser steps. The inspector felt painting would have no effect and planting ivy would be neither practical or enforceable, and this ground of appeal also failed.

The appellant contended that the requirements of the notice breached his human rights. The Inspector stated that as it would not result in adverse effect upon his or his tenants' privacy or amenity this was not the case, and in any event must be balanced against the wider public interest in protecting the character of the Conservation Area.

The appellant also contended that he had been discriminated against on racial grounds, contrary to human rights legislation. The Inspector noted that the ethnicity of the property owner was not known to officers when responding to a complaint from a member of the public, and there was no evidence to support the appellant's claim.

The enforcement notice was upheld and requires removal of the roller shutter within the next 6 months.

5.0 RECOMMENDATIONS

That the report be noted

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Head of Planning

15 OCTOBER 2012

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