



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of City Growth Department

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**Date:** 13 September 2022

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

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**Author of Report:** Abby Hartley

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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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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 the demolition of rear off-shot and erection of single-storey rear extension to dwellinghouse at 11 Dalmore Road, Sheffield, S7 2EP (Case No: 22/00974/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 lower-ground floor front extension to basement of dwellinghouse at 59 Wadsley Lane, Sheffield, S6 4EA (Case No: 22/00861/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 the installation of 18m high 'slim line' Streetpole with built-in cabinet and 3no. separate equipment cabinets to be positioned alongside existing street furniture (Application for determination if approval required for siting and appearance) at Birley Spa Lane street works, Birley Spa Lane adjacent to junction with Dyke Vale Avenue, Sheffield, S12 4EL (Case No: 21/05066/TEL).

(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the installation of 15 metre slim line Street pole with built-in cabinet and 3no. separate equipment cabinets (Application for determination if approval required for siting and appearance) at junction of Hartley Brook Road and Beck Road, Sheffield, S5 0GA (Case No: 21/04985/TEL).

(v) 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 an 18m high Phase 8 street-pole with wrap-around cabinet and provision of associated equipment cabinets (Application to determine if approval is require for site and appearance) at 5G telecommunications pole, Owlthorpe Greenway, 95m from junction with Thorpe Drive, Sheffield, S20 7JU (Case No: 21/04628/TEL).

(vi) 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 a digital LCD display screen to Street Hub unit at pavement at front of Hallam University, Arundel Gate, Sheffield, S1 2PN (Case No: 21/03291/HOARD).

(vii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the removal of telephone kiosk and erection of Street Hub at pavement at front of Hallam University, Arundel Gate, Sheffield, S1 2PN (Case No: 21/03290/FULTEL).

(viii) 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 a digital LCD display screen to Street Hub unit at pavement outside 45-47 Fargate, Sheffield, S1 2HD (Case No: 21/03285/HOARD).

(ix) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the removal of telephone kiosk and erection of 1x Street Hub at pavement outside 45-47 Fargate, Sheffield, S1 2HD (Case No: 21/03284/FULTEL).

(x) 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 a digital LCD display screen to Street Hub unit at pavement outside 19 Market Place, City Centre, Sheffield, S1 2GH (Case No: 21/03281/HOARD).

(xi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the removal of telephone kiosk and erection of 1x Street Hub at pavement outside 19 Market Place, City Centre, Sheffield, S1 2GH (Case No: 21/03280/FULTEL).

(xii) 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 two digital LCD display screens to Street Hub unit at pavement outside 832 Ecclesall Road, Sheffield, S11 8TD (Case No: 21/02495/HOARD).

(xiii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the removal of 2no. kiosks and erection of 1no. Street Hub at pavement outside 832 Ecclesall Road, Sheffield, S11 8TD (Case No: 21/02494/FULTEL).

(xiv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the removal of 2no. kiosks and erection of 1no. Street Hub at pavement outside Copthorne Hotel, Bramall Lane, Highfield, Sheffield, S2 4QZ (Case No: 21/02482/FULTEL).

(xv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for two digital LCD display screens to Street Hub unit at pavement outside Copthorne Hotel, Bramall Lane, Highfield, Sheffield, S2 4QZ (Case No: 21/02483/HOARD).

### 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 lower-ground floor front extension to basement of dwellinghouse at 59 Wadsley Lane, Sheffield, S6 4EA (Case No: 22/00861/FUL) has been dismissed.

#### Officer Comment:-

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

Due to the scale and forward projection, he found that the appeal proposal would appear incongruous in the context of both the host property and the street scene and considered that such a departure from the established built form would appear inconsistent and unsightly, unbalancing the host property, be uncharacteristic and cause material harm to the character and appearance of the area. He therefore concluded that it was in conflict with policies H14 and BE5 of the UDP; Policy CS74 of the Core strategy and Paragraph 130 of the NPPF.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of single-storey rear extension, canopy over front door and amendments to existing elevations at Totley Grove Cottage, Totley Grove, Hillfoot Road, Sheffield, S17 3AX (Case No: 22/00617/FUL) has been dismissed.

#### Officer Comment:-

The Inspector considered the main issues to be:-

- Whether the works constituted inappropriate development in the Green Belt;
- The effect on the openness of the Green Belt; and
- If inappropriate whether the harm would be outweighed by very special circumstances.

The Inspector concluded that owing to the extent of increase in built form to the original building from the proposal and other recent alterations, the works would represent disproportionate increase in volume to the original building and were therefore inappropriate development in the context of para 147 of the NPPF.

Despite its lack of public view the Inspector concluded the additions, although minor in themselves would increase the scale and mass of the dwelling and would lead to a loss of openness of the Green Belt.

The Inspector gave the appellant's argument that a larger replacement dwelling would potentially gain approval only limited weight, and acknowledged the improvements to living space, and the economic benefits of construction activity, but considered these to be of limited benefit and did not consider they amounted to very special circumstances.

The appeal was therefore dismissed.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for 1x internally illuminated digital advertising screen at land between Vicarage Road and Newhall Road, Sheffield, S9 3RF (Case No: 21/04438/ADV) has been dismissed.

Officer Comment:-

The Inspector considered the main issues to be the impact of the proposal on highway safety and on the amenity of the area, including the setting of the Grade II Listed former Adelphi Cinema.

He noted that the appeal site is located at a multi-lane, traffic light-controlled junction on Attercliffe Road and that the site itself is currently on open land.

The proposed sign would be a free-standing screen on a pole, located at the south-west corner of the site, close to the junction of Attercliffe Road and Newhall Lane. It would be approximately a 6 metres wide, 3 metres high LED advertising display, providing static images which would change no more than once every 10 seconds. The Inspector noted that the highway junction is both busy and complex for people wishing to negotiate through it and concluded that the proposed advertisement would be a distraction, especially to drivers negotiating the junction, leading to significant harm to highway safety, contrary to paragraphs 112c and 111 of the NPPF.

In relation to amenity, the panel would be viewed in the context of the listed building and with its modern, sleek appearance, the Inspector concluded that it would form an alien feature in relation to the significance of the setting of the listed building with its more traditional design and building materials from that era. In this regard, there would be harm caused to the amenity of the area. He concluded that the proposal was contrary to Policies BE13 and BE19 of the UDP and paragraph 136 and chapter 16 of the NPPF.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for 1 internally illuminated digital display sign at EE, 31-35 The Moor, Sheffield, S1 4PF (Case No: 21/03445/ADV) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the proposal on the amenity of the area.

They noted that the digital hoarding would be erected in a prominent position on the splayed corner of the elevation at first and second floor levels, with wide ranging visibility. The building is a Portland stone building with tall, narrow windows and is of a similar architectural style to 29 The Moor on the opposite corner, which has a clear visual relationship with the appeal site.

The proposed display would cover up the first and second floor windows on the corner splay and would harmfully dominate the elevation. Overall, the Inspector concluded that despite the commercial nature of the area, the presence of such a large and prominent digitally illuminated display would not be sympathetic in the existing context.

The proposal would be in conflict with Policy BE13 of the UDP and paragraph 136 of the NPPF.

(v) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of a single-storey rear extension to dwellinghouse - the extension is 6m from the rear of the original dwellinghouse, ridge height no more than 4m and the height of the eaves is 3m at 16 Gleadless Common, Sheffield, S12 2UQ (Case No: 21/03320/HPN) has been dismissed.

Officer Comment:-

The Inspector identified the main issue as the effect of the development upon the living conditions of no's 14 and 18 Gleadless Common, with particular regard to privacy outlook and light.

The Inspector noted the bungalow form of the dwelling and its neighbours; that the dwelling was on higher ground than no.14, but lower than no.18; that no. 14 had a long rear extension; and that the proposed extension was to replace a smaller existing extension to the property. They also noted the relatively small size of the gardens to no's 16 and 18.

With a ridge height of 4m and eaves height of 3m the Inspector felt that although on lower ground than no.18 the extension, it would rise above boundary fencing and extend beyond the rear elevation of no.18 where it would be a visible and dominant structure, heightened by the modest space available to no.18 within their garden. This would impact on daylight and cause overshadowing.

Such issues were not felt to arise in respect of no.14 as the extension would be set back from the boundary and no.14's garden being larger, would be less impacted.

The Inspector felt that loss of privacy would occur but could be overcome with suitable conditions.

They concluded by dismissing the appeal owing to impacts on the living conditions of no.18 Gleadless Common being in conflict with UDP policy H14, the Council's Supplementary Planning Guidance on House Extensions and the provisions of the NPPF.

(vi) To report that an appeal against the delegated decision of the Council to refuse planning permission for the enlargement of dwellinghouse by construction of an additional storey (total height 9.33m) at 27 Blackbrook Drive, Sheffield, S10 4LS (Case No: 21/03062/ASPN) has been dismissed.

Officer Comment:-

The Inspector noted that the main issue was whether the proposal would accord with Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

The Inspector noted that the appeal site is a bungalow on a cul-de-sac characterised by a regular arrangement of largely single storey dwellings. Despite alterations, the original single storey nature and modest scale of the dwellings remain evident, lending consistency to the street.

The Inspector noted that control over the external appearance of the dwelling is not limited to the property itself. Rather, it can include the impact on the surroundings and as such the visual impact of the proposal on the streetscene can be considered and whilst materials and architectural detailing would reflect the existing dwelling, the proposal would result in a significant addition of built form at the property, increasing its bulk and mass. As a result, despite its position in the cul-de-sac the proposal would be clearly distinguished from the other dwellings on the street, failing to integrate within the surrounds or to visually relate to the predominant form of neighbouring development. Overall, the Inspector considered that it would be read as incongruous within the surrounding context and would be unacceptable and contrary to the requirements of paragraph AA.2.(3)(a)(ii) of Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO.

(vii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of 17.5m monopole supporting 6 antennas and 1 GPS module, with associated equipment cabinets and barrier (Application for determination if approval required for siting and appearance) at Rivelin Park Road, junction of Hollins Lane, Sheffield, S6 5GD (Case No: 21/01588/TEL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the siting and

appearance of the proposed installation on the character and appearance of the area.

The appeal site forms part of a grass verge area on the eastern side of Rivelin Park Road, close to the junction with Hollins Lane. On the opposite side of Rivelin Park Road is a predominantly residential area formed mainly of semi-detached housing. To the east of this road, is a large woodland area with land levels that fall sharply towards Rivelin Valley Road which gives the area a distinctly semi-rural character.

The Inspector noted that, at 17.5m high, the mast, in the location proposed, would be clearly seen from higher levels when travelling from a westerly direction along Hollins Lane. They also noted that the existing mast would remain, and the proposal would be an additional telecommunications mast in close proximity to it. Whilst views of two masts together would be mainly around the junction of Rivelin Park Road and Hollins Lane, they would nevertheless be seen from various vantage points in and around this space. This proliferation of masts would result in telecommunications clutter that the eye would be unacceptably drawn to and would be harmful to the semi-rural character.

On the evidence before them the Inspector was not convinced that less harmful alternatives had been properly explored and that other locations would necessarily be constrained by their geographic location or other factors. In their view the need for the proposal does not in this case, outweigh the harm.

The Inspector therefore concluded that the siting and appearance of the proposed installation would harm the character and appearance of the area and would conflict with paragraph 115 of the NPPF and UDP Policies BE14, H14 and GE4 which seek, amongst other matters, for telecommunications development to be sited and designed so as to minimise its visual impact.

#### 4.0 APPEALS DECISIONS – ALLOWED

Nothing to report.

#### 5.0 CIL APPEALS DECISIONS

Nothing to report.

#### 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 which is the unauthorised change of use of the Land to the use for motor vehicle sales, display of vehicles for sale and associated storage/parking of motor vehicles at Land between 264 and 270, and to the rear of 270 Handsworth Road, Sheffield, S13 9BX (Case No:

22/00108/ENCHU).

Planning Inspectorate Ref: APP/J4423/C/22/3298932

(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 which is the unauthorised operational development being the provision of 9 air conditioning units attached to the north facing elevation of the building at first floor level at 1 Ecclesall Road South, Sheffield, S11 9PA (Case No: 21/00130/ENUD).

Planning Inspectorate Ref: APP/J4423/C/22/3299518

(iii) 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 which is the unauthorised change of use of the Land to motor vehicle repair, maintenance and tyre fitting garage, with associated storage, of vehicles, parts, equipment tyres, waste and a metal container and the erection of a workshop building, and posts surmounted by tyres and unauthorised advertisements at 241 Barnsley Road, Sheffield, S4 7AD (Case No: 18/00171/ENCHU).

Planning Inspectorate Ref: APP/J4423/C/22/3297846

## 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

*13 September 2022*

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