



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Executive Director, City Futures

Date: 11 October 2022

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 delegated decision of the City Council to refuse planning permission for the alterations/extension to roof to provide additional habitable space including rear dormer with Juliette balcony and provision of rooflights to the front elevation at 9 Norton Lees Square, Sheffield, S8 8SP (Case No: 21/05105/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 17.5 metre monopole with 6 no. antennas, 1 no. GPS module, 2 no. equipment cabinets, and 1 no. meter cabinet (Application for determination if approval required for siting and appearance) at land at junction with Carter Knowle Road, Carter Knowle Avenue and Montrose Road, Sheffield, S7 2EF (Case No: 21/04733/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 sided, internally illuminated 48-sheet digital poster display at land adjacent TK Max Kilner Way, Sheffield, S6 1NN (Case No: 22/00621/HOARD) has been dismissed.

Officer Comment:-

The inspector considered the main issue to be the effect of the advertisement on visual amenity.

The inspector concluded that the proposed illuminated sign would detract from the visual amenity of the area owing to its size and siting. It would obscure part of an attractive retaining wall reducing its visual amenity and would add clutter when viewed in the context of existing signage and traffic lights.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of an internally illuminated 48-sheet digital advertisement display at gable at Don Valley House, Savile Street East, Sheffield, S4 7UQ (Case No: 21/05190/ADV) has been dismissed.

Officer Comment:-

The Inspector noted that the main issue in this case is the effect of the advert on visual amenity.

The appeal proposal would be located on the gable wall to Don Valley House, 6m x 3m in size, installed approximately 14.5m high on the gable. The proposal would obscure approximately 3m of existing fenestration to that elevation and be extremely prominent due to its height and illumination. The loss of the pattern of fenestration would affect the architectural composition of the building.

In conclusion the Inspector felt that the advertisement would be overly prominent causing harm to visual amenity, contrary to UDP Policy BE13, Core Strategy Policy CS74 and paragraph 136 of the NPPF.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission and take enforcement action against the erection of a single-storey rear extension and dormer windows to an existing terraced house at 42 Woodseats House Road, Sheffield, S8 8QF (Case No: 20/02300/FUL).

Officer Comment:-

See officer comment in 7.0 i) below.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of internally illuminated digital advertising hoarding at 746 City Road, Sheffield, S2 1GN (Case No: 22/00121/HOARD) has been allowed.

Officer Comment:-

The inspector considered the main issue to be the effect of the advertisement on visual amenity.

The appeal site is the flank gable wall of a two-storey terraced property currently trading as a takeaway unit, located on a busy road facing a car repair garage. The surrounding area is a mix of residential and commercial

uses with the residential uses primarily located on the opposite side of City Road to where the advertisement is proposed.

The Inspector did not agree that the sign would be incongruous and at odds with the surrounding residential properties harming the character and appearance of the area. The Inspector noted the nearby large scale commercial premises, totem signage, various commercial fascia signage and a digital bus stop advertisement all sited in the immediate vicinity and felt that the proposed advertisement would be viewed against this backdrop, assimilating into the surroundings and would not appear as an incongruous feature.

They considered the large flank wall of the property to be of a sufficient size to comfortably accommodate the proposal which would be the same size and occupy the same position as the previous paper advertisement. Whilst the proposed advertisement may draw the eye more than the previous one due to the different method of display, the Inspector considered that the level of illumination could be controlled by a condition. They concluded that the proposal was acceptable and allowed the appeal subject to conditions to control the display, including turning it off overnight and, the brightness of the display.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of single internally-illuminated 48-sheet digital advertisement display at land at Don Valley House Car Park, Savile Street East and Windsor Street, Sheffield, S4 7UQ (Case No: 21/05191/HOARD) has been allowed.

Officer Comment:-

The inspector considered the main issue to be the effect of the advertisement on visual amenity.

The appeal site is located at the edge of the car park to Don Valley House, close to the junction of Windsor Street and Corby Street. The area is industrial / commercial in nature. It is proposed to install a new 6m x 3m digital advertisement display board, mounted at a height of 2.5m. It would slightly overhang the car park boundary toward a vegetation buffer and would face traffic travelling south-west along Corby Street.

The Inspector noted that the PPG outlines that large poster-hoardings may be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

They noted that the display would be in view when travelling in a south-westerly direction for a reasonable length of time and distance but not so long or to such a great extent as to dominate views or distract attention to a harmful level In a well-lit and predominantly commercial / industrial urban setting.

Even though it was noted that illuminated displays are not present within the immediate vicinity, they concluded that the proposed advertisement closely relates to commercial activities and signage, as well as to the existing buildings in terms of its scale.

They concluded that the proposal was acceptable and allowed the appeal subject to conditions to control the display, including avoiding moving images and the brightness of the display.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

Nothing to report.

7.0 ENFORCEMENT APPEALS DISMISSED

(i) To report that an appeal against the Enforcement Notice issued by the Council for the unauthorised erection of a dormer window extension to the front of an existing terraced house at 42 Woodseats House Road, Sheffield, S8 8QF (Planning Inspectorate Ref: APP/J4423/C/22/3294743) has been dismissed.

Officer Comment:-

In June 2018, planning permission was granted for the erection of dormer windows to the front, side and rear of the property. During the course of determining the application and to make the development acceptable, an amended plan was submitted to show the front dormer window considerably reduced in scale from the original proposal such that it lined up with the first-floor window. Condition no.2 of the permission required the development to be carried out in complete accordance with the amended plans received. The dormer was built considerably larger in scale than what was approved.

An enforcement notice was served and the appellant subsequently, appealed against the notice on ground (a) that planning permission should be granted.

The Inspector's agreed with the Council view that the dormer was dominating the front roof plane, it did not align with the first-floor window, altering the balance of the elevation. It clashed with the defined window hierarchy of the houses in the street, which have larger ground floor bay windows and smaller first floor windows. Despite the timber cladding being painted grey to attempt to blend in with the slate roof, the dormer as built appeared to the Inspectorate as an incongruous feature in the street scene, in which there are few alterations to the original roofscape.

The appellant had pointed that there were other dormers in the wider area which do not follow the adopted design principles. However, these the inspector stated that were relatively few in number and he had no information as to whether they are authorised, when they were constructed and whether the present design policy guidance was then in place

The Inspector concluded that the dormer unduly harms both the character and appearance of the street scene. Therefore, dismissed the appeal.

8.0 ENFORCEMENT APPEALS ALLOWED

(i) To report that an appeal against the Enforcement Notice issued by the Council for the unauthorised demolition of rear conservatory and erection of single-storey rear/side extension and provision of canopy to front of dwellinghouse and increasing of height of the timber boundary fencing along the party boundary with the Berkeley Precinct Shopping Centre at 15 Rosedale Gardens, Sheffield, S11 8QB (Planning Inspectorate Ref: APP/J4423/C/22/3295240) has been allowed.

Officer Comment:-

This was an enforcement appeal, as the appellant did not submit an appeal against the refusal of planning permission for the extension within the twelve week time frame.

The enforcement appeal was made on ground a) – that planning permission should be granted.

The Inspector considered the main issue to be that set out in the reason for refusal of planning permission – the impact upon the living conditions of occupiers of no.17 Rosedale Gardens. They noted that the Council's Supplementary Planning Guidance indicated a maximum 3m projection for such extensions to avoid overbearing and overshadowing.

At 4m deep along the common boundary with no.17 the extension exceeded the 3m guideline. The fall-back position of a 3m deep extension with a height of 4m was considered by the Inspector to be material.

They considered the blank wall to have no impact on privacy of the neighbours at no.17, and whilst imposing from the garden, the extension did not have significant impact on the kitchen (nearest) window. The kitchen was considered a non-habitable room and the orientation meant that no loss of direct sunlight would occur, and in conclusion they felt the additional 1m beyond the Council's guideline was offset by the height being 0.75m lower than could be achieved under permitted development rights.

They therefore concluded the extension was not harmful to living conditions of

no.17 and allowed the appeal, granting planning permission and quashing the enforcement notice.

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

11 October 2022

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