

DEVELOPMENT SERVICES

REPORT TO CITY CENTRE,
SOUTH & EAST PLANNING &
HIGHWAYS COMMITTEE
5 NOVEMBER 2012

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 an Enforcement Notice served by the City Council in respect of unauthorised windows and boundary wall to the front of the property at 20 Albany Road.

(ii) An appeal has been submitted against the Delegated decision for alterations and extension to a detached garage/store and the erection of a boundary wall/gate at 37 Crescent Road (Case No 12/01808/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) an appeal against the decision of the City Council to refuse an application for planning permission, under delegated powers, for the erection of two dwellinghouses at the site of Norton Oakes Park Cottages, Oakes Park (Case No 11/03313/FUL) has been dismissed.

Officer Comment:-

This referred to a site within the Green Belt, and within Oakes Park, listed Grade 2 within English Heritage's Register of Parks and Gardens of Special Historic Interest, and within Oakes Park Conservation Area.

The Inspector considered the key issues to be:

- whether the proposal was inappropriate development in the Green Belt, and if so, whether the harm by inappropriateness, and any other harm, is outweighed by other considerations so as to amount to very special circumstances to justify the development;
- the impact of the scheme on the appearance and character of the registered Oakes Park, and on the Conservation Area; and
- whether the proposal would provide adequate access for service and emergency vehicles.

The NPPF states development in the Green Belt is inappropriate unless it is within a category of specified exception. One such exception is a replacement building of the same use, and not substantially larger than its predecessor. The appellant argued this was the case here, and that the development was therefore 'appropriate'.

This was based on the historical presence of two cottages on the site, demolished some time between 1970 and 1984. There are very minor remnants of the cottages on site, and the appellant claimed the buildings could be rebuilt under the terms of the Planning Act, and that this was a material consideration of some weight.

The Inspector accepted the proposed dwellings were on a similar footprint to the originals but considered the NPPF could not be interpreted to allow rebuilding of properties demolished between 28 and 42 years ago. He therefore concluded the development was 'inappropriate', and by definition harmful to the Green Belt, and should not be approved unless very special circumstances exist to justify such approval.

He gave considerable weight to UDP Policy GE5 which provides for exceptional cases where new dwellings in the Green Belt are accepted, but noted conflict with this policy.

He also attached some weight to Policy G6 of the Sheffield Development Framework City Policies and Sites document, which although in draft form has been through several rounds of consultation, expands upon GE5 and reflects the aims of the NPPF. He noted conflict with this policy also.

He felt the two dwellings would clearly reduce the openness of the green belt through the built form, creation of enclosed gardens, footpaths and parking areas.

He disagreed with the appellant that the proposal would restore a heritage asset, and afforded this argument little weight. Equally he did not agree with the Council that the dwellings would create a suburban form, as control over their design and materials could be exercised through the use of conditions. On balance therefore, he concluded the impact upon the conservation area would be neutral, and there would be no conflict with UDP Policies BE15 and BE16. Nor did he consider there to be any material conflict with Policy BE21 that seeks to protect historic parks and gardens.

In terms of the service access, whilst the proposal did not allow for turning of a vehicle of 8.2m in length, bin collection/storage could be provided and collected en route to other properties within Oakes Park, and emergency vehicles could serve the site. As a result the Inspector concluded no material conflict with Policy BE9.

The Inspector noted the small contribution the development would make to housing supply, and the short fall in the five year requirement for deliverable housing sites. He attached some weight to this but felt their contribution would be very small. He concluded similarly on the benefits of economic activity associated with the construction of the dwellings.

Other claimed benefits that he gave little weight to were the deterrent of fly posting activity, and prospects of better woodland management within the wider site.

The Inspector agreed with both the Council and the appellant that the

dwellings could be constructed sustainably but disagreed with the appellant that the location was 'reasonable to good', preferring the Council's view that the dwellings would be some distance to all facilities including public transport and would therefore encourage car travel. He described the location as 'reasonably sustainable' at best.

Overall he concluded that the development was inappropriate in the Green Belt, and in conflict with the NPPF by definition, and would also be harmful to its open character, in conflict with UDP Policy GE5 and emerging CPS Policy G6.

He concluded the development had a benign impact on the appearance and character of the historic garden and the conservation area, and service/emergency access was acceptable. However these factors and the contributions of the development to housing supply, local economy, deterrent of fly tipping and woodland management did not outweigh the identified harm to the green belt.

He therefore dismissed the appeal.

(iv) an appeal against the decision of the City Council to refuse an application for advertisement consent, under delegated powers, for an illuminated fascia sign at 50 Upper Hanover Street (Case No 11/03929/ADV) has been dismissed.

Officer comments:-

The Inspector agreed that the appeal site lies in a prominent position at the junction of Upper Hanover Street, Glossop Road and Hounsfield Road. She noted that the Council had already granted consent for a number of signs to be displayed at the premises. She agreed that this additional sign would be significantly larger than those typical of the area and would create a dominant feature to the detriment of the appearance of the building and would be out of character with the locality being visible from the Hanover Conservation Area, particularly when considered cumulatively with the other signs on the building. For these reasons she dismissed the appeal.

4.0 RECOMMENDATIONS

That the report be noted

David Caulfield
Head of Planning

5th November 2012

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