



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: The Head of Planning

Date: 18 July 2023

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

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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

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 a Certificate of Lawful Development for the proposed erection of a hip to gable loft conversion and erection of rear dormer extension to dwellinghouse (Application under Section 192) at 5 Delves Avenue, Sheffield, S12 4AA (Case No: 23/00135/LD2).

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse a prior notification for the installation of 20m High FLI Cypress Tree with 6no. apertures. 2no. dishes and active routers to be fixed to support poles below antennas and associated ancillary works (Application to determine if prior approval required for siting and appearance) at Goole Green, off Fulwood Road, Sheffield, S10 3QH (Case No: 22/04048/TEL).

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to grant planning permission for the upgrade of 1 existing 48 sheet advert with 1 internally illuminated digital advertising hoarding (6m width x 3m high) and removal of 1 existing 48 sheet advert hoarding at Clear Channel (UK) Ltd, Advertising Right Fronting Prime Engineering, Effingham Road, Sheffield, S9 3QA (Case No: 22/03714/HOARD) (Appeal against condition 3 (frequency of image change)).

(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 erection of two-storey side and rear extension and a single-storey front extension to dwellinghouse at 42 Westfield Crescent, Sheffield, S20 5AQ (Case No: 22/03323/FUL).

(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for an outline planning application (seeking approval for all matters except landscaping) for the erection of 1x four storey apartment block comprising 4x flats with associated car parking, and formation of Local Area of Play (LAP) at land at junction with Crookes Road and Weston View, Sheffield, S10 5BZ (Case No: 22/03309/OUT).

(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 an open-sided veranda with a clear glazed roof at Chantreyland Nursery, Grange Barn, 34 Matthews Lane, Sheffield, S8 8JS (Case No: 22/02883/FUL).
(vii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for an outline application (all matters reserved) for residential development (Re-submission of 21/03838/OUT) at land adjacent 1 Orgreave Lane, Sheffield, S13 9NE (Case No: 22/02124/OUT).
(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 two-storey side extension to dwellinghouse at 14 Oakcroft Mews, The Coach House, 379B Fulwood Road, Sheffield, S10 3GA (Case No: 22/02108/FUL).
(ix) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for 2no. digital 75" LCD display screens to Street Hub unit at LCD advertisement display outside Morrisons, Fulwood Road, Sheffield, S10 3BB (Case No: 22/01428/HOARD).
(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 removal of 2no. BT kiosks and installation of 1no. BT Street Hub at LCD advertisement display outside Morrisons, Fulwood Road, Sheffield, S10 3BB (Case No: 22/01427/FULTEL).
(xi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to grant planning permission for the erection of a detached split level dwellinghouse at land to the rear of 56-68 Church Street, Oughtibridge, Sheffield, S35 0FW (Case No: 21/04348/FUL) (Appeal against condition 4 (removal of garage associated with 70 Church Street)).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse a prior notification for a single-storey rear extension - the extension will be 6 metres from the rear of the original dwellinghouse, ridge height no more than 3.52 metres and height to the eaves of 2.42 metres at 196 Bannerdale Road, Sheffield, S7 2DT (Case No: 22/04150/HPN) has been dismissed.
Officer Comment:-
The Inspector identified the main issue as being whether or not the proposal

constitutes permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) and if so, whether prior approval would be required.

They noted that the property had already been extended to the side and that the proposed rear extension was attached to this and greater than half the width of the original dwelling.

They therefore agreed with officers interpretation of the GPDO that the proposal was not permitted development, and a full planning application would be necessary, so dismissed the appeal.

(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 to dwellinghouse, erection of retaining walls and stepped access to rear garden at 20 Underwood Road, Sheffield, S8 8TH (Case No: 22/04083/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issue as being the effect of the development on the living conditions of neighbours.

They noted the dwelling had an existing two storey extension with a raised patio accessed from steps at the rear, and that the proposed single storey extension of 3.9m would replace the patio and 2m retaining walls would be constructed on the boundary with no.22 Underwood Road.

The Inspector felt that at 5.8m projection from the extended rear of no.22 would present a stark and unduly dominant form from the rear of no.22 and notably the ground floor window.

No.18 would also be adversely affected, despite being offset, by the presence of a 3.9m extension beyond the existing extension, which would adversely affect outlook.

The Inspector gave no weight to the lack of objection from neighbours as this does not suggest an absence of harm, being mindful of the need to ensure developments create a high standard of amenity for existing *and* future users.

The proposal was therefore in conflict with UDP policy H14 and Guideline 5 of the Council's Supplementary Planning Guidance, and the appeal was dismissed.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of 2x dormer windows to front of dwellinghouse at 67 Greenhow Street, Sheffield, S6 3TN (Case No: 22/03977/FUL) has been dismissed.

Officer Comment:-

The Inspector noted that the dormer windows would sit lower than the ridge and align with ground and first floor windows. However, the two dormers would be joined by a recessed link that would increase the overall bulk and massing of the development. It would create a development that would cover a large expanse of roof and would be visually dominant on the roof plane.

The Inspector noted other front dormers within the street scene but that their design and appearance did not always make a positive contribution to the street scene and that they cannot be treated as a persuasive reason to allow the appeal.

The Inspector concluded that the proposed scheme would harm the character and appearance of the area and would conflict with Policies BE5, H14, CS74 and Guidelines 1 and 2 of the SPG on Designing House Extensions.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for the use of annexe incidental to 53 Carter Knowle Road (approved under 20/03749/FUL) as independent dwellinghouse at 4 Coverdale Road, Sheffield, S7 2DD (Case No: 22/02927/FUL) has been dismissed.

An application for a full award of costs has also been refused.

Officer Comment:-

Substantive Appeal

The Inspector identified the main issue as being whether previously approved works to form an annexe under ref 20/03749/FUL had been carried out, in order for the now proposed change of use to take place.

They noted at the time of their visit the works were largely complete, but that they followed demolition, which did not form part of the previous approval. They agreed with officers that the rebuilding exercise that was subsequently undertaken did not therefore have planning permission, in the light of which the proposed change of use could not be considered further, and the appeal was dismissed.

Costs Claim

The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

The appellant claimed costs on the basis of misleading pre-application advice which delayed the consent and cost the appellant income from the completed development, and additional fees pursuing the appeal.

Whilst the Inspector noted this concern and understood the frustration it would cause, they noted officers had co-operated with the appellant and had reasonable concerns when they determined the application, clearly setting out reasons and advising how to resolve matters.

On this basis they did not find the Council's behaviour unreasonable, and an award of costs was not justified.

(v) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of single-storey front extension and front porch, insertion of first floor window to side elevation and installation of air source heat pump to dwellinghouse at 455 Whitley Lane, Sheffield, S35 8RP (Case No: 22/02001/FUL) has been dismissed.

Officer Comment:-

The Inspector determined that the building is not curtilage listed, however it does contribute positively to the special interest of Whitley Farmhouse (listed) through its historical and functional association with it and its presence in its setting.

The Inspector considered that the proposed extension would extend the footprint of the building significantly so that it would unacceptably erode the linear character of the former barn, which provides an understanding of its previous use. Furthermore, the conservatory extension would erode the legibility of the former barn door and both extensions would overly domesticate the former barn to an unacceptable degree harming its character. Although the building would retain the same physical relationship to the listed building it would harm its significance due to the unacceptable loss of the historic agricultural character and layout of the former barn.

The Inspector concluded the development would result in less than significant harm to the heritage asset but that there is no public benefit. The proposal is contrary to policies BE5, BE15, BE19 and CS74, and the NPPF.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the retention of replacement window within the existing front dormer to dwellinghouse at 25 Briar Road, Sheffield, S7 1SA (Case No: 22/04287/FUL) has been allowed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the replacement window in the existing dormer on the character and appearance of the Nether Edge Conservation Area.

They noted the dwelling is a three-storey mid terraced dwelling and the significance of the Conservation Area (CA) is as a residential suburb with a mix of Victorian and Edwardian dwellings, Briar Road being one of three parallel roads characterised by Victorian housing. They noted Briar Road was an attractive road with dwellings of uniform appearance with ground floor bays and distinctive second floor dormers, including that at no.25 which has seen a traditional sliding timber sash window replaced with a mock sash window also painted timber.

The Inspector accepted traditional sliding sash windows represent the traditional character of the CA, they observed numerous examples of replacements in neighbouring dormers, including upvc casements. They further felt that the window as replaced would only be noticeably different when opened. They also felt the dark grey paint colour was of little consequence to its overall appearance.

Given the Inspector identified the proposal must be considered against the effect on the CA as a whole they felt that with the limited prominence of the window it has a neutral effect of the character and appearance of the CA, and therefore meets the statutory duty at s72(1) of the Planning (listed Buildings and Conservation Areas) Act 1990 and accords with the relevant local policies and paragraphs 199-202 of the NPPF and allowed the appeal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the alterations to dwellinghouse to form 2x 1 bed flats at 53 White Thorns Drive, Sheffield, S8 8ET (Case No: 22/03316/FUL) has been allowed.

Officer Comment:-

The Inspector identified the main issues as being a) the living conditions of future occupiers in terms of indoor space and outdoor amenity space; and b) the effect on the living conditions of the future ground floor flat in terms of overlooking of the amenity space.

They noted the property was a mid-terrace two storey unit in common with the surrounding area.

The Inspector noted the space within the two flats feel marginally short of the guidance contained within the South Yorkshire Residential Design Guide, but whilst noting the usefulness of the guidance gave limited weight to the guidelines given their lack of adopted status. They agreed with the appellant that the accommodation exceeded the Nationally Described Space Standards (NDSS) but noted also the absence of a development plan policy requiring compliance with the NDSS.

On a) they concluded the proposal was acceptable in that the flats had all basic amenities for 1 bed flat occupancy, good outlook and natural light. The ground floor flat had private amenity space (rear garden) and the first floor flat access to a small front garden, and open space in the wider area.

In respect of b) the above arrangement enabled overlooking of the rear garden by the first floor flat but the Inspector did not consider this a concern given the mutual overlooking that occurs in the terraced dwellings currently.

Given they identified no adverse impacts of the development and the positive benefits of a minor increase in housing stock in a sustainable location they allowed the appeal, noting the presumption in favour of sustainable development set out in paragraph 11 of the NPPF.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of two-storey building with front and rear dormer windows comprising 6 x one-bed apartments (Use Class C3) with associated landscaping and amenity space at land at rear of 14-24 Jedburgh Street, Woodgrove Road, Sheffield, S9 1NX (Case No: 21/05367/FUL) has been allowed.

Officer Comment:-

The Inspector considered the main issues to be: (a) the effect of the development on the character & appearance of the street scene; (b) the effect on the living conditions of the future occupiers in respect of internal space standards, outlook & amenity space; and (c) the effect on parking in the surrounding area.

They concluded that the four front dormers would be in proportion with the roof slope and building as a whole and would align with the windows below and that they would not be incongruous when seen against the backdrop of rear dormers on Jedburgh Street and in the context of a varied streetscape. They did not find conflict with the design policies of the UDP, Core Strategy and NPPF.

In relation to living standards the Inspector noted that Sheffield does not have formally adopted space standards yet but that the ground and first floor flats would meet the national standards and the second floor flats would have adequate light and outlook as well as a floor area which exceeds the national standards. It was noted that the ground floor flats would have private amenity space but that the 4 upper floor flats would have no private space. Nevertheless, there is public open space nearby which would serve as an amenity to residents, such that no harm was identified to living conditions.

In respect of car parking, whilst the Inspector noted that no parking facilities are to be provided on the site (being too small to accommodate any) their observations of the site and surroundings led them to conclude that the parking arising from the development could be accommodated on surrounding streets without detriment to highway safety and that the site was in an accessible location, close to public transport facilities.

The Inspector therefore allowed the appeal, subject to conditions to control the materials used; cycle storage facilities, 10% renewable energy; land contamination; and landscaping.

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 execution of operational development comprising a dormer extension to the frontage roof of the existing property at 8 Borough Road, Sheffield, S6 2AY (Our ref: 23/00070/ENUHD Planning Inspectorate ref: APP/J4423/C/23/3323039).

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

18 July 2023

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