



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** The Head of Planning

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**Date:** 15 August 2023

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

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**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

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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 alterations to front garden of dwellinghouse to form off-road parking including formation of dropped kerb at 518 Fulwood Road, Sheffield, S10 3QD (Case No: 23/00806/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 a detached domestic double garage and provision of associated driveway and landscaping works at 143 Top Warren, Warren Lane, Sheffield, S35 2XT (Case No: 22/04488/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 demolition of part of existing building (central part of 2nd/3rd floor ceilings/roofing over 3rd floor) and provide new glazed roof to create an atrium, internal/external alterations and conversion of 2nd/3rd floor offices (Use Class E) to create co-living accommodation HMO (69 en-suite rooms with kitchen) (Use Class Sui Generis) including separate kitchen diner, installation of new windows, alterations to entrance (Dixon Lane), provision of new entrance (Haymarket), alterations to basement to form gym and shared amenity space at 12-18 Haymarket, Sheffield, S1 2AX (Case no: 22/03856/FUL).

(iv) An appeal has been submitted to the Secretary of State against the Committee decision of the City Council to refuse planning permission for the demolition of outbuildings, erection of 4 dwellinghouses with associated parking, landscaping and formation of access at Kenwood Hall Hotel, Kenwood Road, Sheffield, S7 1NQ (Case No: 20/03276/FUL).

## 3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the provision of bike/bin store with green roof to front of dwellinghouse at 18 Watson Road, Sheffield, S10 2SD (Case No:

22/03947/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the impact of the proposal on the host dwelling and the Broomhill Conservation Area. They noted that the row of dwellings in which the appeal site sits appeared uniform in character and appearance, with their features being viewed consistently together and small front gardens which are free from development, meaning that the proposal would be prominently viewed. The proposed structure would fill a notable part of the front garden and partly obscure views of the front elevation because it would be higher than the eave of the bay window and the boundary wall. She concluded that the structure would be out of keeping with the character of the dwelling and of the conservation area. Whilst the harm would be classed as 'less than substantial' there are no public benefits arising from the proposal so she dismissed the appeal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the upgrade to EE/H3G 1No. 11.79m High Argus NNOX310R Tri-Sector Antenna on root foundation including EE/H3G Phase 7 Monopole complete with wraparound cabinet and associated ancillary works (Application for determination if approval required for siting and appearance) at telecommunications mast at junction with Carter Knowle Road and Montrose Road, Sheffield, S7 2EF (Case No: 22/03063/TEL) has been dismissed.

Officer Comment:

The Inspector considered the main issues to be the effect of the siting and appearance of the proposal on the character of the area and whether any identified harm is outweighed by other considerations (such as the potential availability of other sites).

She noted that the site is prominent and elevated due to the topography of the area and the junction has a wide degree of openness, meaning that the monopole would be highly visible in views from significant distances. The pole would be substantially taller than nearby lampposts and trees and of greater height than nearby buildings. She concluded that the pole would be an incongruous feature, be visually intrusive and would dominate its surroundings, with the associated cabinets adding to a cluttered street scene. It would therefore harm the character and appearance of the area.

The application was not accompanied by a cell coverage map or any assessment of alternative sites and, as a consequence, it has not been robustly demonstrated that this site represents the least harmful option. On this basis the Inspector dismissed the appeal.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of a 4-storey apartment block to form 6.no apartments (Use Class C3) with associated parking, access and

landscaping at land to the rear of 377 Fulwood Road and Riverdale Road, Sheffield, S10 3GA (Case No: 21/05069/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be whether the proposal would preserve or enhance the character and appearance of the Ranmoor Conservation Area (RCA).

The Inspector noted that the RCA has largely retained its low-density character with medium and large houses in spacious grounds.

The appeal proposal consists of a simple building block finished in natural stone and metal cladding with a flat roof and large areas of glazing, balustrades and external terraces. He concluded that the proposal would constitute a sub-division of the curtilage of the historic villa and the proposed building would be sited in its immediate setting. This would lead to a severance of the villa from its curtilage and the new building would be larger than the original villa, such that the setting of the villa (the Canton Orchard) would be eroded and undermined and the development would harm the setting of the villa as a consequence.

The form of the new building would be at odds with the form of nearby buildings and would fail to preserve the significance of the RCA.

Whilst the Council cannot demonstrate a 5 year supply of housing at the current time the Inspector only attributed moderate weight to this point in the balance as well as to the economic benefits and concluded that the benefits do not outweigh the significant harm to the character and appearance of the RCA in this case. The appeal was therefore dismissed.

(iv) To report that an appeal against the delegated decision of the City Council to refuse planning permission for the retention of 9 air conditioning units at 1 Ecclesall Road South, Sheffield, S11 9PA (Case No: 21/04019/FUL) has been dismissed.

Officer Comment:-

The Inspector considered that the main issue was the effect of the development on the living conditions of nearby residents. The air conditioning units are situated on the northern elevation of the building. Whilst the application was accompanied by an acoustic assessment, the equipment used to measure the background noise level was open to the roadway via the gap between the building and 345 Psalter Lane. The Inspector concluded that this was likely to give an overestimation of background noise when compared to the rear of the building itself, where the houses are shielded from the road noise by the building. The report did not take account of intermittency either such that the results are likely to be skewed. The Inspector was not therefore persuaded that the cumulative impact of the units does not give rise to a significant adverse effect on the living conditions of neighbours.

The Inspector also noted that the equipment is prominently viewed from the deck and first floor windows of no.345 and dominate the views from this dwelling and its garden.

On this basis the Inspector dismissed the appeal and upheld the enforcement notice to remove the units and make good the building elevation (see Enforcement appeals 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 free standing Summer House / Garden Studio in rear curtilage of dwellinghouse at 19 Thorncliffe View, Sheffield, S35 3XU (Case No: 22/01913/FUL) has been allowed.

Officer Comment:-

The Inspector considered the main issues to be whether the proposals would provide a suitable living environment (in the way of outdoor amenity space) and the effect on living conditions of neighbouring property. Whilst they noted that the proposal would result in a clearly reduced amenity area, they concluded that it would still allow beneficial enjoyment of the area and was not sufficient reason to reject the proposal. In terms of the neighbouring properties, given the relatively limited height of the structure, the Inspector concluded that it would not be dominant and that any views from the building would be towards the appellant's own property rather than to neighbours.

On this basis he allowed the appeal.

#### 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 execution of operational development consisting of 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 (Planning Inspectorate ref: APP/J4423/C/22/3299518 Our ref: 21/00130/ENUD) has been dismissed.

Officer Comment:-

This case relates to planning application 21/04019/FUL above and the Inspector issued a joint decision. The Inspector upheld the enforcement notice to remove the units and make good the building elevation.

(ii) To report that an appeal against the Enforcement Notice issued by the Council for the unauthorised execution of operational development consisting of the erection of a canopy to side of the premises at 990 Abbeydale Road, Sheffield, S7 2QF (Planning Inspectorate ref: APP/J4423/C/23/3317254 Our ref: 20/00333/ENUD) has been dismissed.

Officer Comment:-

The appeal was made on the basis that the appellant did not consider that a period of 35 days was sufficient to allow for the removal of the canopy and instead wanted 6 months to comply. The Inspector was not persuaded by any of the documents submitted by the appellant and concluded that the works required to remove the canopy are not complex, in that no specialist contractors are required. There is a public interest for the breach of planning control to be remedied as soon as possible such that the Inspector concluded that the Enforcement Notice should not be varied and 35 days for compliance was sufficient.

## 8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report.

## 9.0 RECOMMENDATIONS

That the report be noted.

*Michael Johnson*  
Head of Planning

*15 August 2023*