



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: The Head of Planning

Date: 30 April 2024

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 planning permission for the alterations and extensions to roof including raising of ridge height and erection of a rear dormer, and erection of a one/two storey rear extension at 51 Burrowlee Road, Sheffield, S6 2AT (Case No: 23/03824/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 siting of a toilet (including disabled toilet) and refreshment block at land opposite Holme Head Wheel Dam, Rivelin Valley Road, Sheffield, S6 5SF (Case No: 23/03457/FUL).

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse Listed Building Consent for the removal of an internal fireplace, opening up of external gable wall to form new external doorway, and replacement of gravel terrace with paved terrace at Hall Farm Cottage, 156 Hollow Lane, Sheffield, S20 5DN (Case No: 23/03219/LBC).

(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 provision of pitched roof over existing first floor bay window at 28 Bignor Road, Sheffield, S6 1JD (Case No: 23/03150/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 the erection of first and second floor side extension to dwellinghouse at 11 Carfield Avenue, Sheffield, S8 9HY (Case No: 23/03011/FUL).

(vi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse advertisement consent for the removal of 2x 48 sheet illuminated hoardings and replaced with a double-sided digital style board at advertising right adjacent Park House, Bernard Road, Sheffield, S2 5BQ (Case No: 23/03004/ADV).

(vii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse advertisement consent for the installation of 2x 48 sheet freestanding LED illuminated advertising display units in 'double-sided' format at Holiday Inn Express, Blonk Street, Sheffield, S1 2AB (Case No: 23/02969/HOARD).
(viii) An appeal and an application for costs have been submitted to the Secretary of State against the non-determination of an application for planning permission for the erection of a dwellinghouse with associated parking and landscaping works at land between 9 Brotherton Street & 204 Rock Street, Sheffield, S3 9DW (Case No: 23/02884/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 the erection of roof to external rear stairwell and alteration to fenestration of flat at Unit 8, 3 Kenwood Road, Sheffield, S7 1NP (Case No: 23/02822/FUL).
(x) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse an application for the removal of a tree protected under TPO No. 808/465 at 9 Clumber Road, Sheffield, S10 3LE (Case No: 23/02061/TPO).
(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 demolition of detached garage, erection of two-storey side extension with front and rear dormers, and single-storey rear extension to dwelling at 18 The Lawns, Sheffield, S11 9FL (Case No: 23/01047/FUL).
(xii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for hard and soft landscaping works to extend rear terrace, including the erection of 2no fixed timber frame pergolas and festoon lighting on timber posts at The Wadsley Jack, 65 Rural Lane, Sheffield, S6 4BJ (Case No: 23/00649/FUL).
(xiii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse an application for the removal of a tree protected under TPO No. 808/446 at Wisteria House, 15 Brincliffe Gardens, Sheffield, S11 9BG (Case No: 23/00389/TPO).
(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 demolition of existing buildings and erection of a new dwellinghouse with garage, landscaping and associated works at Plumbley Cottage, Plumbley Lane, Sheffield, S20 5BJ (Case No: 23/00124/FUL).
(xv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse Listed Building Consent for the alterations to former church including provision of mezzanine floor and ramp to front to form 8 apartments with parking provision and a new vehicular

access though the south western boundary wall at Woodhouse Trinity Methodist Church, Chapel Street, Woodhouse, Sheffield, S13 7JL (Case No: 22/04491/LBC).

(xvi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse a prior notification application for the installation of telecommunications base station comprising a 17.5m high slimline column, associated GPS module fixed to the top, 2no. equipment cabinets, 1no. meter cabinet and ancillary works (Application to determine if prior approval required for siting and appearance) at land at junction with Worcester Road and Rochester Road, Sheffield, S10 4JQ (Case No: 22/04192/TEL).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the City Council to refuse planning permission for the alterations and extension to roof including raising of ridge height, hip to gable extension, and erection of rear dormer extension to dwellinghouse at 4 Roxton Road, Sheffield, S8 0BD (Case No: 23/02747/FUL) has been dismissed.

Officer Comment:-

The Inspector agreed with officers that the raising of the ridge, forming of gables in place of the existing hipped roof, and the visibility of a large box rear dormer, visible from adjacent roads, were harmful to visual amenity.

(ii) To report that an appeal against the delegated decision of the City Council to refuse advertisement consent for the removal of 1x 48 sheet advert and upgrade of 1x existing 48 sheet advert to support digital poster at land at 113 Gower Street, Sheffield, S4 7JW (Case No: 23/02632/ADV) has been dismissed.

Officer Comment:-

The main issue was the effect of the proposal on public safety.

The Inspector noted that the Council's Highway Officer was concerned that the proposed site for the advertisement is not within the general field of vision of a motorist and would require a motorist to take their eyes completely off the road ahead to assimilate the information on the digital display. There is a junction to the left with Sorby Street and a motorist should be able to focus on this junction without undue distraction from a prominent digital display with changing images. The Inspector agreed with that assertion.

During the Inspector's site visit she noted a number of parked vehicles, vehicular accesses, and the junctions with Carlisle Street and Sorby Street. The road was busy and used by a number of cyclists and pedestrians. She considered that viewing the advertisement display, even momentarily would

be a particularly dangerous distraction, diverting attention from driving, and could cause a driver to be unaware of parked vehicles, pedestrians crossing, cyclists, or vehicles emerging from nearby junctions/accesses, thereby creating conditions prejudicial to highway safety. The Inspector found that those factors cumulatively present hazards that require a motorist to take more care and demand full focus.

Overall, the Inspector found that the proposed advertisement would unacceptably affect public safety by causing distraction to motorists in an area where the cumulative number of nearby accesses, junctions, parked vehicles, pedestrians and cyclists require more care and attention to be taken. For that reason the appeal was dismissed.

(iii) To report that an appeal against the delegated decision of the City Council to refuse planning permission for the demolition of existing garage and erection of 2x dwellinghouses with associated landscaping works at 90 Broomspring Lane, Sheffield, S10 2FB (Case No: 23/02242/FUL) has been dismissed.

Officer Comment:-

The key issues were the effect of the development on the character and appearance of the Hanover Conservation Area (HCA), and whether living conditions would be acceptable.

The Inspector noted the character and appearance of the HCA contained terraced properties, stepping down with the topography, of consistent design with consistently proportioned windows and doors with regular spacing between the lintel and eaves. The Inspector considers this to form part of the significance of the HCA.

The Inspector agreed with officers that the whilst the step in ridge height of the proposals reflected this character, the position, rhythm and design of the windows would not follow the established pattern, particularly in respect of a significant gap between lintel and eaves, stone banding and blind windows.

This harm to the character of the HCA was considered 'less than substantial' in the terms of NPPF and as required by paragraph 208 balanced this against public benefits of the provision of 2 additional dwellings in a sustainable location at a time of short supply, and their associated economic activity but did not feel these were sufficient to outweigh the harm to the CA.

The Inspector also agreed with officers that the living conditions in the dwellings would be unsatisfactory in respect of privacy, outlook and external amenity space.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of 1no. internally illuminated LED display at Four Board Advertising Right at car sales site, Archer Road, Sheffield, S8 0LA (Case No: 23/02199/HOARD) has been dismissed.

Officer Comment:-

The appeal site is an existing hand car wash site situated on a main road within the urban area. The main issue was the effect of an additional internally illuminated LED sign on the north east part of the site on the character and appearance of the area.

Whilst giving consideration to the commercial character and appearance of the locality and the existence of various types of signage, the Inspector concluded that the proposed sign would be erected on part of the site which is currently devoid of this type of advertising and where the backdrop of trees and other vegetation provide some visual relief to the urban character of the street scene. As a result, the Inspector considered that the proposed display, by virtue of its position, size and means of display, would be a visually intrusive feature that would be harmful to the appearance of the area.

(v) To report that an appeal against the delegated decision of the Council to refuse planning permission for the replacement of existing hoarding with a digital hoarding at 418 Pitsmoor Road, Sheffield, S3 9AY (Case No: 23/02074/HOARD) has been dismissed.

Officer Comment:-

The main issue was the effect of the proposal on the amenity of the area.

The appeal site related to the gable end of 418 Pitsmoor Road, a two storey terraced property which is in use as a hot food takeaway at ground floor level. The property forms part of a short parade of shops and is within a Local Shopping Centre.

The Inspector considered that the proposed scale of the sign would not be sympathetic in the context of surrounding two storey properties. In addition, they were of the view that the position and size of the sign, and the digital display with images changing at frequent intervals, would result in a discordant and intrusive feature in this location.

The benefits of the proposal were afforded consideration. However, the Inspector was not persuaded that this is the only location in which the advertisement could take place and afforded limit weight to those arguments accordingly.

Overall, the appointed Inspector concluded that the proposed advertisement would have a significantly harmful effect on the visual amenity of the area, including the Area of Special Character and dismissed the appeal.

(vi) To report that an appeal against the delegated decision of the City Council to refuse planning permission for an application to allow temporary extension to operational hours on Friday and Saturday nights (0900hrs - 0200hrs (the following morning)) (Application under Section 73 to vary condition 7 (Opening

Hours) imposed by planning permission ref. 23/01337/CHU - Previous permission under Section 73 to vary condition 7, preceded by section 73 permission ref. 23/00668/CHU, original permission ref. 20/02805/CHU - Use of retail unit (Use Class A1) and residential flat (Use Class C3) as a drinking establishment with small food offering (Use Class A4), including internal refurbishment) at 293-295 Ecclesall Road, Sheffield, S11 8NX (Case No: 23/02030/CHU) has been dismissed.

Officer Comment:-

The appeal related to a drinking establishment situated within the Ecclesall Road District Centre. The main issue was the effect of the proposed variation of the condition (to increase closing time from 00:30 until 02:00 (the following day) on Fridays, Saturdays and any Sunday immediately preceding a Bank Holiday Monday) on the living conditions of nearby residents, with particular reference to noise and disturbance.

The Inspector accepted there is already likely to be a degree of noise and general disturbance at night but concluded that extending the opening hours would result in more people visiting the premises and more activity taking place around the premises, and that this would be likely to result in significant harm to the living conditions of nearby residents due to additional noise and disturbance in the early hours of the morning.

(vii) To report that an appeal against the delegated decision of the City Council to refuse planning permission for the installation of 48 sheet 6.396m x 3.348m non-illuminated poster panel at The Co-operative Food, 282-292 Gleadless Road, Sheffield, S2 3AJ (Case No: 23/00780/HOARD) has been dismissed.

Officer Comment:-

The appeal site is a shop situated at the junction of Richards Road, Carrfield Road and Gleadless Road. There is an existing 48-sheet advertisement at ground-floor level on the western side of the building, with the proposal seeking another 48-sheet advertisement on the eastern gable at the first-floor level. The main issue was the effect of the proposed advertisement on visual amenity.

The Inspector noted that Gleadless Road is commercial in nature but concluded that the scheme would introduce a large, permanent feature that would draw the eye and appear conspicuous in the context of the surrounding area where displays are generally more discreet. It would also be significantly higher than the existing advertising and its size would dominate the gable end of the building. As a result, the proposed advertisement would cause harm to the visual amenity of the area.

(viii) To report that an appeal against the delegated decision of the City Council to refuse planning permission for the erection of single-storey front and rear extensions, with balcony to the rear, erection of dormer windows to

front and rooflights to front and rear of dwellinghouse at 155 Long Line, Sheffield, S11 7TX (Case No: 23/00375/FUL) has been dismissed.

Officer Comment:-

The Inspector agreed with officers that the extensions to the dwelling, taken with previous extensions, represented a disproportionate addition to the original dwelling, and that the additional facilities offered were not essential for a functional dwelling. As such it represented inappropriate development, by definition.

Despite the small scale of the extensions and that they are an addition to an existing dwelling, the Inspector agreed with officers there was a harmful impact on openness of the Green Belt.

In the absence of very special circumstances the appeal was dismissed.

(ix) To report that an appeal against the delegated decisions of the Council to refuse planning permission and listed building consent for the internal alterations and single-storey rear extension to dwellinghouse at The Old Rectory, Norton Church Road, Sheffield, S8 8GZ (Case No's: 22/04364/FUL and 22/04365/LBC) have been dismissed.

Officer Comment:-

The appeal property is part of a grade II listed building at the Old Rectory, which dates from the early 18th century, with mid-18th and late 19th century additions and alterations. It was divided to create three dwellings in 2001. The appeal property includes the building's northern projecting two storey wing. The main issues were whether the proposed alterations and extension would preserve the listed building's features of special architectural or historic interest and whether it would preserve or enhance the character or appearance of the Norton Conservation Area.

The Inspector noted that, despite alterations, the building retains its historic character and attractive appearance as an important former rectory building. It also has a strong street presence at the junction of Norton Lane and Norton Church Road and is identified as making a key contribution to the conservation area's special interest.

The Inspector found that the proposed single storey extension, which would replace an existing lean-to extension, has a simple geometric form rather than a pastiche appearance, and is not particularly large in relation to the size of the building overall. However, it would introduce a much bulkier single storey addition with a considerable flat roof section and would obscure much of the existing historic fabric of the rear wall and a window opening, resulting in the importance and legibility of a traditional architectural feature and opening on the historic rear wall of the listed building being lost. In addition, a good deal of the historic fabric of the rear wall of the appeal property at ground floor level would be removed in order for the proposed extension to be opened up to the

main part of the property, affecting the building's plan form. The Inspector concluded that overall, therefore, the proposal would impair the building's historic legibility and significance and fail to preserve its special interest.

With regards to the conservation area, whilst the proposal would not be highly visible from public vantage points, it would be appreciated to a limited extent from nearby properties and so would cause some minimal harm to the significance of the conservation area and would fail to preserve its character and appearance.

Overall, the Inspector concluded that the proposal would fail to preserve the special interest of the listed building or the character or appearance of the conservation area, and that the public benefits of the proposal would be limited, and insufficient to outweigh the harm to the designated heritage assets identified.

(x) To report than an appeal against the delegated decisions of the City Council to refuse planning permission for the change of use to a private function hall (Use Class Sui Generis) and erection of a single-storey side extension and internal alterations to existing building including raising the floor level and reconfiguration of toilet areas (Retrospective Application) (Appeal A), and Listed Building Consent for the erection of a single-storey side extension and internal alterations to existing building including raising the floor level and reconfiguration of toilet areas (Retrospective Application) (Appeal B) at The Office, 117 Uppertorpe Road, Sheffield, S6 3EA (Case No's: 22/04105/FUL (A) & 22/04106/LBC (B)) have been dismissed.

Officer Comment:-

The main issue was whether the proposal would preserve the Grade II listed building (listed as Eversley House, 117 Uppertorpe Road) or any features of special architectural or historic interest that it possesses (both Appeals).

117 Uppertorpe Road (No.117) was listed in 1973 (Ref 1247457) and the list description mentions that the two storey house dates from the 1840s with late 20th century alterations and additions and has been more recently been used as a club. It is brick with stone dressings and has a hipped slate roof. It describes the architectural detailing of the front, and side elevation fronting Oxford Street, including the sash windows and blank windows, first floor band, and details of the Ionic portico, panelled door and lattice overlight. It states that the interior was not inspected.

The significance of the listed building, in so much as it relates to the appeal before the Inspector, is largely derived from its age, form, historic fabric and its architectural detailing. These attributes mark it as an important survival of a period townhouse. The status and significance of this building is clearly apparent when viewed from the front and the Oxford Street elevation, and this is reinforced by its context within a grouping of historic properties. These are the surroundings in which the listed building is experienced and appreciated, and they directly contribute to its special interest and significance.

The Inspector took the view that the recent addition to the flat-roofed extension, which is the subject of the appeals, has added considerably to its overall size and bulk making it a much more dominant addition to the listed building.

The Inspector also felt that the brickwork to the new part of the extension is a poor match in terms of colour and texture to the adjoining brickwork, which is a much darker red, and the vertical joint indicated to me that no attempt has been made to key it in. Poor quality cement patch repairs have also been made around openings. Furthermore, the upvc windows with their thick frames, top-opening lights and some with projecting sills do not respect the traditional joinery details and finish of the windows on the listed building. Furthermore, the metal security grilles covering some of these windows, the two entrance doors externally covered by solid roller-shutters with external shutter boxes jutting out from the building, upvc fascia band and air conditioning units all add to the prominence of the extension and its incongruity on a listed building when viewed from the surrounding area. The combination of all these features makes the addition read as more of a building associated with a screened rear yard or more typically associated with a modern industrial or commercial building rather than a prominently sited structure on a 19th century, period former dwelling of high status.

The Inspector also observed that a significant number of changes have been made to the interior of the ground floor over the years. Whilst many of these works have been within the more recent flat roofed part of the building at the rear, some also appear to have affected the layout and internal details of the historic building.

Considering all of the above, the Inspector found that the development/works fail to preserve the special interest and significance of the listed building. Therefore, the expectations of the Act are not met.

Notwithstanding the Inspector set out that Paragraph 205 of the Framework advises that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of those assets and any such harm should have a clear and convincing justification. The Inspector find the harm in the context of the significance of the heritage asset as a whole, in the language of the Framework, to be less than substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection. Where a development/works lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.

The development/works are clearly beneficial to the appellant's business, providing an internal arrangement that suits its running. However, this is

essentially a private benefit. There would be economic benefits, it would bring the listed building back into active use and secure its future repair and maintenance. The building would also remain in community use. These are all modest public benefits. However, it has not been demonstrated that these benefits could not be achieved in a different way which would not cause harm to the listed building.

Given the above, the Inspector concluded that the public benefits identified are of insufficient weight to outweigh the great weight to be given to the harm to the designated heritage asset. As such, the development/works do not comply with paragraph 205 of the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the listed building.

As such the Inspector considered that the development/works fail to preserve the Grade II listed building and any of the features of special architectural or historic interest that it possesses. They therefore fail to satisfy the requirements of the Act and the Framework and would conflict with Policies H14, BE5, BE15 and BE19 of the Sheffield Unitary Development Plan (1998) which seek to underpin the statutory and policy objectives. Both appeals were dismissed accordingly.

(xi) To report that an appeal against the delegated decision of the Council to refuse planning permission for the extension of roof over north side to form additional habitable rooms, alterations to the exterior and provision of a link road from existing driveway to south side at Manor Cottages, Common Lane, Sheffield, S11 7TG (Case No: 22/02716/FUL) has been dismissed.

Officer Comment:-

The appeal site relates to 1 and 2 Manor Cottages, a pair of two storey dwellings located in a row of three to the north of Common Lane. The main issues were the effect of the proposed extension and alterations to the roof of the appeal property on the character and appearance of the host properties, including the significance of non-designated heritage assets; and the effect on the living conditions of the neighbouring occupiers of Ivy Cottage, with particular regard to privacy.

The Inspector found that, despite some previous unsympathetic alterations, the cottages retain elements of interesting design and detailing indicating that they date from the nineteenth century. The Inspector also found that the cottages make a positive contribution to the area by virtue of their simple vernacular style and as part of a tightly knit group of properties, such that they should be treated as non-designated heritage assets.

The Inspector considered that the extension to the roof would significantly change the roof profile of the cottages and dominate the rear roof slope, introducing a flat roof to the apex which would be uncharacteristic of the roof profile of the cottages and neighbouring buildings which have traditional pitched roofs.

The Inspector felt that the harm would be exacerbated by the proposed dormer which would add to the scale of the roof extension and, due to the lack of a window, would fail to reflect the simple fenestration of the cottages and further diminish their character.

The alterations to the roof would not be prominent when viewed from public vantage points but would nevertheless be visible from within the appeal site and from neighbouring properties, where it would appear as an incongruous and unsympathetic form of development. The Inspector therefore concluded that the proposal would harm the character and appearance of the host properties and the significance of the non-designated heritage assets.

However, given that the overall height of the cottages would not be significantly increased, the Inspector concluded that the extension would not be harmful to the living conditions of the neighbouring occupiers of Ivy Cottage, with particular regard to privacy.

(xii) To report that an appeal against the delegated decisions of the City Council to refuse planning permission for the demolition of detached garage, erection of dwellinghouse with associated parking at curtilage of 21 Brincliffe Crescent, Sheffield, S11 9AW (Case No: 22/02535/FUL) has been dismissed.

Officer Comment:-

Note – This application was a revised application following a previous approval.

The key issue was the effect of the development on the character and appearance of the Nether Edge Conservation Area (NECA).

The Inspector noted the character of the area contained a range of dwelling types of differing scale and form, well-proportioned with consistent and balanced fenestration, mostly set back from the road with boundary walls and hedging contributing significantly.

They considered the contemporary approach, with Scandinavian simplicity held little reference to local architectural detailing or distinctiveness, that the fenestration pattern was not well balanced, the entrance was not clearly defined and overall the design was inconsistent with the character of the NECA. They also felt the white brick and timber cladding would appear incongruous and would not preserve the material characteristics of the NECA.

The harm was considered 'less than substantial' in the terms of NPPF and as required by paragraph 208 balanced this against public benefits. They felt the scale of benefit resulting from one additional dwelling in an accessible location, the economic activity from the construction and support for local services by occupants, and the Passivhaus credentials of the development were limited and did not outweigh the great weight afforded to the harm to the heritage asset by the NPPF. The tilted balance does not therefore apply in

this case.

The Inspector acknowledged the previous approval on the site but noted clear differences in the two schemes.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the alterations to roof to form additional habitable space including raising of ridge height and addition of 4no rooflights at 4 Oldfield Close, Sheffield, S6 6EN (Case No: 23/02510/FUL) has been allowed.

Officer Comment:-

The main issues were the likely effect of the proposed roof extension on the character and appearance of the dwelling and its immediate surroundings.

The appeal concerns No. 4 Oldfield Close, a low detached 3 bedroomed part single part 2 storey 3 bedroom dwelling near the end of a short cul-de-sac road in the settlement of Stannington. It is in a small tight group of similar low single storey dwellings with shallow pitched roofs.

In the Inspectors view, the proposed extension works at No. 4 Oldfield Close are acceptable. As the land falls to the east, the existing main roof ridge of No. 4 is lower than that of the adjoining house to the west at No. 2 Oldfield Close. The raised ridge at No. 4 would become higher than that of No. 2, but by less than its 2.15m extra height. Although Nos. 4 and 2 are built close to each other, he considered that there would not be any undue resulting dominance, loss of sunlight or overlooking caused by the appeal project. The heightened section of No. 4 would be furthest from the neighbouring house to the east, No. 6, again not causing its occupiers any loss or reduction of amenity.

The other matter of concern was that there would be a loss of off-street parking space due to the conversion of the incorporated single garage into the extended residential accommodation at No. 4. The Inspector noted that the single integral garage parking space was lost to an internal dividing wall alteration some time ago. The appeal extension would add another bedroom to the domestic accommodation within the house. But the existing parking and accessway arrangements within the curtilage would not be adversely affected by this modest increase in the size of the house at No. 4.

Overall, the Inspector determined that the proposals were acceptable and the appeal was allowed.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of freestanding 48 sheet LED advertising display unit at land adjacent Royal Standard Public House, St

Mary's Road, Sheffield, S2 4AN (Case No: 23/01918/HOARD) has been allowed.

Officer Comment:-

The appeal site is within the car park of a bar and restaurant on a busy route through the city centre. The area is commercial and industrial with some student accommodation nearby. The main issue was the effect of the proposed advertisement on the visual amenity of the area.

The Inspector noted that the streetscape is varied and includes large, modern, functional commercial, industrial and residential buildings. The busy character of the road and the high frequency of transport using it, together with the fascia signs and advertisements, all contribute to a distinct vibrancy, within which the proposed advertisement would not look out of place.

The Inspector also noted that the site lies outside the Cultural Industries Quarter Conservation Area, but that the appeal scheme would be visible from within it and would also be visible from the grade II listed Truro Works Building. The Inspector concluded, however, that the immediate area is close to a busy modern road junction and the installation would be in amongst modern buildings. In addition, its height, overall scale and degree of separation from each asset would not be sufficiently significant to have an adverse effect on settings. The advertisement would not therefore cause harm to the amenity of the area.

(iii) To report that an appeal against the delegated decisions of the City Council to refuse planning permission for the Removal of existing advertisements and installation of an internally illuminated digital display hoarding at JCDecaux, Advertising Right Next To 30, London Road, Sheffield, S2 4LR (Case No: 22/04496/HOARD) has been allowed.

Officer Comment:-

The Inspector disagreed with officers that the illumination levels from the proposed hoarding would be harmful to amenity (of adjacent residential property).

(iv) To report that an appeal against the delegated decision of the Council to refuse a prior notification application for the installation of telecommunications base station comprising of 17.5m high slimline column, associated GPS module fixed to the top, 2no. equipment cabinets, 1no. meter cabinet and ancillary works (Application to determine if prior approval required for siting and appearance) at grass verge at Abbey Lane, Sheffield, S8 0EQ (Case No: 22/04049/TEL) has been allowed.

Officer Comment:-

The main issue was the effect of the siting and appearance of the proposed installation on the character and appearance of the area, and, if any harm

would occur, whether this is outweighed by the need for the installation to be sited as proposed, considering any suitable alternatives.

The Inspector noted that the proposed installation would be substantially taller and bulkier than existing tall structures in the vicinity of the site, namely streetlighting and the single and two storey housing that characterises the area. However, they felt that Abbey Lane is a wide road that has a sense of spaciousness which provides some capacity to accommodate a taller structure without it appearing overly constrained or confined by the built form.

It was also noted that the proposal would be seen with a backdrop of mature trees on Abbey Lane and at the entrance to Folds Crescent which would serve to soften the impact of the structure, even when the trees are not in leaf. From the east, the line of existing mature trees in the central reservation would also, it was noted, provide partial screening of the proposed installation, until viewed at close quarters.

The Inspector felt that, as a result of its contrasting size and prominence in some views, the installation would result in some detriment to visual amenity and, as such, the siting and appearance of the proposed installation would harm the character and appearance of the area. However, the Inspector concluded that in this case, the harm would be outweighed by the need to site the installation as proposed in order to deliver the upgrade and increased coverage identified, given the lack of suitable alternatives within the target area.

(v) To report that an appeal against the delegated decision of the Council to refuse planning permission for the use of land for a horse riding arena including landscaping, parking and associated works at land to rear of Keren The Beeches and 11 Oriel Road, Brookhouse Hill, Sheffield, S10 3TF (Case No: 22/03993/FUL) has been allowed.

Officer Comment:-

The main issue was whether the proposal would preserve or enhance the character or appearance of the Fulwood Conservation Area.

In views from the footpaths to the south which run through the valley bottom, the Inspector identified that the proposal would only be visible from certain limited vantage points due to the screening effect of the topography and built form.

In views from the footpaths to the south which run through the valley bottom, the proposal would only be visible from certain limited vantage points due to the screening effect of the topography and built form. From those locations, views of the proposal would be heavily filtered by the trees and vegetation of the linear woodland along Porter Brook. This woodland would continue to provide screening during the months when the trees are not in leaf, as I observed during the Inspectors site visit. In such views, the proposal would be seen against the backdrop of the sloping land, and in the context of the

nearby dwellings, the existing stables associated with the site and those of the neighbouring property on Oriel Road, and the domestic paraphernalia of residential gardens.

From those locations, the Inspector observed that views of the proposal would be heavily filtered by the trees and vegetation of the linear woodland along Porter Brook. This woodland would continue to provide screening during the months when the trees are not in leaf, as the Inspector observed during their site visit. In such views, the proposal would be seen against the backdrop of the sloping land, and in the context of the nearby dwellings, the existing stables associated with the site and those of the neighbouring property on Oriel Road, and the domestic paraphernalia of residential gardens.

For those reasons, the Inspector formed the view that the arena would not be a prominent feature in views to the south. They considered that the proposal would not interrupt views of the Porter Brook and its wooded valley or the pastureland beyond, nor would it diminish the open pastoral character of the landscape or the semi-rural setting provided by the grassland between the village and the valley bottom. This would be the case when considered individually, but also cumulatively with the existing stable block, which in the Inspectors view sits relatively unobtrusively in views to the south.

Consequently, the Inspector concluded that the proposal would not harm, and would therefore preserve, the character and appearance of the Conservation Area and allowed the appeal.

(vi) To report that an appeal against the committee decision of the Council to refuse planning permission for the demolition of outbuildings and use of former bakery/café (Use Class E) as a dwellinghouse (Use Class C3) with associated alterations to fenestration and landscaping at Mobri Bakery, St Mary's Lane, Sheffield, S35 9YE (Case No: 22/02585/FUL) has been allowed.

Officer Comment:-

The main issue was the effect of the proposed development on the special interest of the Grade II listed building, Former cruck barn attached to the south of 35 St Mary's Lane, Ecclesfield (the cruck barn).

The appeal proposal would involve the change of use of the building to a two bedroom dwelling. The building is no longer in its original use as an agricultural building and the café and storage use has led to insensitive alterations, notwithstanding that these changes were carried out before the building was listed. The Inspector acknowledged that use as a dwelling may lead to pressure for other alterations to the exterior, however, given the listed status, any alterations that materially affect the character of the listed building would require listed building consent. Furthermore, alterations to the curtilage such as the installation of buildings or boundary treatments would require planning permission.

Whilst the Inspector acknowledged that cruck 2 is widely visible to all users of

the café at present, crucks 3 and 4 are not visible, being located in the storage area. Moreover, there is limited control over the extent of the visibility of the interior of the building given that it is in private ownership, and that the use of the building could be changed without an application for planning permission to multiple other uses that could in themselves result in a significant reduction in access to the building. Nevertheless, the change of use to a dwelling would bring the two halves of the building back into the same use which would potentially enable the crucks to be appreciated together within the same building. This would represent an enhancement to the special interest and significance of the listed building.

No extension or additions are proposed to the building and its distinctive form would be preserved in the view of the Inspector. The conversion proposes no new window or door openings and would involve the re-use of all of the existing window and door openings. None of the existing doors or windows are historic and some are in relatively poor condition. Their removal would therefore not result in the loss of any historic fabric. The installation of new sympathetic doors and windows, which could be adequately controlled through a planning condition, would therefore preserve the building's special interest and not harm its significance.

Some of the existing openings would be partially infilled with timber boarding which would ensure the evolution of the building would remain legible, whilst preserving its architectural integrity and its agricultural, non-domestic, appearance. The Inspector acknowledged that the precise detail of the proposed fenestration is relatively limited having regard to the listed status of the building. However, they were satisfied that a suitable level of detail could be supplied as part of a planning condition to ensure that its precise design and form would be sympathetic to the character of the building, thus preserving the building's special interest and ensuring no harm to its significance.

The Inspector also noted that it is proposed to remove the concrete surfacing and structures within the yard to the rear. This would open up this space, allowing for views of the rear of the building from within the site and from the road outside. The space would become a garden area and the existing stone wall would be retained. This would better reveal the asset and would represent a clear enhancement to the listed building in their opinion.

The Inspector therefore concluded that, taken as a whole, the proposal would preserve the Grade II listed building, Former cruck barn attached to the south of 35 St Mary's Lane, Ecclesfield, and any features of special architectural or historic interest that it possesses and allowed the appeal.

5.0 CIL APPEALS DECISIONS

(i) To report that an appeal against the CIL surcharge imposed by the City Council relating to planning permission 23/01415/FUL for the conversion of existing 1x no. 4 bedroom dwelling to form 2x no. 3 bedroom dwellings, with

demolition of existing two-storey extension to rear and erection of a new three-storey extension and associated landscaping works at 16 Hunter House Road, Sheffield, S11 8TW has been dismissed.

Officer Comment:-

The inspector considered that the alleged breach that led to the surcharge did not occur under CIL Regulation 117(1)(a). The breach being that a commencement notice had not been received in accordance with CIL Regulation 67(1) - no later than the day before the day on which the chargeable development is to be commenced.

He considered that the appellant insisted that he had submitted a commencement notice but could not provide proof of postage and that the Council noted that the date on the commencement notice received after the chargeable development had commenced was dated the same date as the commencement date which rendered it invalid in accordance with CIL Regulation 67(1).

Due to the commencement notice being invalid he conclude that the alleged breach occurred, that the appeal failed accordingly. It was dismissed and the surcharge upheld.

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 erection of a canopy structure to the rear of Amici and Bici, 220 Abbeydale Road, Sheffield, S7 1FL (Inspectorate Ref: APP/J4423/C/23/3333128) has been dismissed.

Officer Comment:-

The main issues were the effects of the canopy structure on the Nether Edge Conservation Area and its effects on neighbouring living conditions.

The appeal site is the Amici and Bici café/restaurant on the corner of Abbeydale Road and Chippinghouse Road. The Inspector noted the characteristics of Chippinghouse Road (which is within a Conservation Area), and the appeal site's location immediately adjacent to this, stating that the rear canopy structure distinctly diminishes the open character of the street, with the site now almost entirely enclosed by buildings and that the addition of the rear canopy is a significant interference to the building line.

The Inspector noted that the built form of Chippinghouse Road is adversely

affected by the construction of the rear canopy by abruptly interrupting the vista along the street. In terms of the Framework this results in 'less than substantial harm' which should be weighed against the public benefits of the proposal.

Benefits to the local economy were sited as public benefits, however a lack of evidence to back this up meant it was offered little weight compared to the harm to the character and appearance of the area.

Potential for use of the canopy at the weekends, noise and overlooking to and from the garden areas of neighbouring properties were all taken into consideration and were found to result in potential for unsatisfactory living conditions for the occupiers of the neighbouring ground floor flat and contrary to policy S10 and of the development plan for the area.

The appeal was dismissed, and the enforcement notice was upheld.

8.0 ENFORCEMENT APPEALS ALLOWED

(i) To report that an appeal against the Enforcement Notice issued by the Council for the unauthorised execution of operational development consisting of the construction of a rear dormer extension to the property on the Land, and the change of use of the property comprising the use of the second floor as a separate residential flat within the property at 283 - 285 Shoreham Street, Sheffield, S1 4SS (Inspectorate Ref: APP/J4423/C/23/3327003) has been allowed.

Officer Comment:-

Main issues concerned the effects of the development on the living conditions of the occupants of the second floor flat and the effects of the dormer extension on the character and appearance of the host property and the surrounding area.

The notice was issued as the design and form of the rear dormer were deemed unacceptable, and without the dormer it was considered that there would be insufficient head height to provide adequate living standards.

Neither party contends that the living conditions of the occupiers of the second floor flat could be acceptable without the dormer extension: it is integral to the material change of use. Without it, the space would be extremely cramped with minimal acceptable head height. The Inspector went on to assess the living conditions with the dormer and found that the standards are met.

With regards to the effect on the character and appearance of the area the Inspector noted that the dormer is significantly larger than others in the immediate vicinity. However, there is a preponderance of other large rear dormers found in the local (if not immediate) area.

The property could not benefit from permitted development rights because it is not a single dwellinghouse, but the Inspector accepted that such rights are available to most other properties in the area and in the wider vicinity such permitted development rights appear to have been taken advantage of. Other dormers, whilst apparently not expressly permitted, now form part of the local street scene.

The Inspector did not find the construction of this dormer to detract unduly from the prevailing character of the area, stating it is reasonably well-designed and it is in scale and character with the neighbourhood, consistent with policies H14, BE5 and CS74.

The appeal was allowed, and planning permission granted.

(ii) To report that an appeal against the Enforcement Notice issued by the Council for the unauthorised execution of operational development consisting of the change of use to a mixed of allotment garden, a learning and skills educational centre, (including upcycling and making goods / products) and a community facility for meetings and social events, music venue, event hire and the provision of food and drink, and associated storage. Also operational development consisting of the (i) the erection of buildings, stage, gates, fencing, a mulch storage area, and engineering operation to change the land levels to form a car park and drive at Bole Hill Road Allotment Gardens (SITE C - Allotments 51, 52, 53, And 56 - 'The Promise Land'), Sheffield, S6 5DF (Inspectorate Ref: APP/J4423/C/23/3325722) has been allowed.

Officer Comment:-

The enforcement notice was appealed under a number of grounds (A, B, C and F). Ground A (deemed planning application) was not considered because the Inspector upheld the appeal under B, in relation to the alleged use for education centre and community use (ie the breach has not occurred) and upheld the appeal under C for the music venue (that if has occurred but is not a breach of control). The Inspector deemed the notice was directed solely at the uses and the buildings were therefore not associated with the non-existent use or, in the case of the music venue, it was permitted development under Class B of the GPDO for temporary uses of land, for any purpose for up to 28 days in a calendar year.

The Inspector, in her reasoning explained that some of the operational development was still capable of the Councils attention, (a small building added within the last 4 years). In reality the Council is out of time on the four-year rule, (s171B), for the substantial and harmful (in Green Belt context) operational development. In the context of the successful Ground B and C appeals, she therefore made no comments in terms of Green Belt policy.

The appeal was allowed, and enforcement notice was quashed.

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

30 April 2024

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