



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 28 September 2021

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 Committee decision of the City Council to refuse planning permission for the erection of a 17.5 m high streetpole with 6 antennas, 3 equipment cabinets, and 1 meter cabinet (Application to determine if approval is required for siting and appearance) at land opposite 126 Abbeydale Road South, Sheffield, S7 2QL (Case No: 20/04394/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 alterations to roof to form habitable accommodation including gable extension and erection of rear and front dormers, erection of single-storey front extension and two-storey side/rear extension to dwellinghouse (resubmission of planning application 20/03066/FUL) at 65 Archer Lane, Sheffield, S7 2BW (Case No: 20/04407/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issues as being:-

- i) the effect of the development on the character of the host dwelling and the surrounding area; and
- ii) the effect on the living conditions of the occupiers of 67 Archer Lane with particular regard to outlook

They noted in respect of i) that the house, one half of a pair of semi-detached dwellings with hipped roofs, was very typical of the area, that there was spacing between dwellings and an absence of two storey side extensions, and that the extensions including front and rear dormers, the gable roof form and front extension would add considerable bulk to the dwelling.

They concluded the extension would not read as a subservient addition to the house, and the dormer windows and gable roof form would be alien features.

They also considered the front extension would detract from the architectural feature of the bay window.

In its totality the extensions would detract from the appearance of the dwelling and would be incompatible and obtrusive additions to the street scene that owing to their design would result in a terracing effect given its proximity to no.67. As such it was in conflict with policies BE5, H14 (UDP), CS74 (Core Strategy), Supplementary Planning Guidance and the requirement of the NPPF to promote visually attractive developments that are sympathetic to local character.

On ii) they felt the rear two storey extension would have a detrimental effect on the outlook from rear facing windows of 67 Archer Lane in conflict with the Council's Supplementary Planning Guidance.

The Inspector therefore agreed with officers on both grounds and dismissed the appeal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the replacement of original front door with full height window at 80 Brincliffe Edge Road, Sheffield, S11 9BW (Case No: 20/04322/FUL) has been dismissed.

Officer Comment:-

The main issue identified by the Inspector was the effect of the replacement of the door with a full height window on the character and appearance of the host property and the Nether Edge Conservation Area (CA).

The house is a traditional 19th Century stone built dwelling with a contemporary side extension containing a new, recessed entrance door. The applicant sought to replace the original door with a fully glazed window of the same proportions.

The Inspector however agreed with officers that given the strong architectural detailing and prominence of the original door surround, its original function would be lost if replaced by a single glazed window and would detract from the character of the dwelling and the CA in a manner that in the terms of the NPPF would be considered 'less than substantial'.

The NPPF requires public benefits to outweigh such harm if the development is to be supported and the Inspector agreed that the minor environmental benefit of increased thermal efficiency was not sufficient to outweigh the harm to the heritage asset – the Nether Edge CA.

They concluded therefore that the development was in conflict with policies BE5, BE16, BE17 (UDP), CS74 (Core Strategy) and paras 199-202 of the NPPF, and dismissed the appeal.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the Council for the non-determination of an application for planning permission for the erection of a dwellinghouse at land at former 142 Cross Lane, Crookes, Sheffield, S10 1WP (Case No: 20/01447/FUL) has been allowed.

Officer Comment:-

The main issue was the effect of the proposed dwellinghouse on the character and appearance of the area.

Whilst a previous appeal on this site to the rear of 142 Cross Lane was dismissed as it was found to cause significant harm to the character and appearance of the area, in this case the Inspector found that the bespoke design solution, which largely hides the house behind the boundary wall running along the adjoining ginnel, has substantially lessened the presence of the proposal to an extent that it would no longer cause harm to the character and appearance of the area.

The appeal was allowed subject to conditions including one to manage the appearance, installation and maintenance of the proposed green roof and another rescinding permitted development rights, given the confined nature of the appeal site and to safeguard the integrity of the bespoke design, in the interests of the character and appearance of the area and the living conditions of neighbouring residents.

(ii) To report that an appeal against the Committee decision of the Council to refuse planning permission for an outline application for up to 85 residential dwellings including open space (amended description) at land at junction with Carr Road, Hollin Busk Lane, Sheffield, S36 2NR (Case No: 17/04673/OUT) has been allowed.

Officer Comment:-

Members will recall that the above planning application was refused at committee in July 2020. At a Public Inquiry earlier this year, the Inspector identified that the main issues were:

- The effect of the proposed development on the character and appearance of the surrounding area.
- The effect of the proposed development on the special interest of nearby heritage assets.
- The planning balance, including policy considerations, and the benefits of the scheme (including housing land supply).

With regards to the first issue, the Inspector found that the development would result in a permanent and obvious loss of an undeveloped part of the countryside but that, due to the topography and landscape character, and when considering the scope for mitigation with any future open space,

landscaping and layout, he considered that the landscape and visual harm would be low to moderate, with moderate effects experienced until the landscape planting matured

With regards to the second issue, the Inspector found that the harm to the setting of heritage assets would be less than substantial, taking into account the advice contained within the PPG that substantial harm is '**in general terms, a high test**'. The Inspector felt that impact upon heritage assets could be minimised to an acceptable degree, but that less than substantial harm to their significance would occur as a consequence of the change to their setting.

The Inspector found that the basket of policies referred to in the Council's reasons for refusal could only be given limited weight due to their inconsistency with the Framework and that the Council is currently unable to demonstrate a five year supply of deliverable housing sites, so the relevant policies for the supply of housing should be considered as out-of-date in accordance with paragraph 11(d) of the Framework meaning planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

In the planning balance the Inspector attributed significant weight to the provision of 85 new homes (including affordable homes), which he identified as a public benefit which outweighs the less than substantial harm that would be caused to the setting of heritage assets, and he concluded that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

Nothing to report.

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

28 September 2021