



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: The Head of Planning

Date: 7 November 2023

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 delegated decision of the City 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).

(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 free standing 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).

(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 installation of 48 sheet 6.396m x 3.348m non-illuminated poster panel (resubmission of application 22/03705/HOARD) at The Co-operative Food, 282-292 Gleadless Road, Sheffield, S2 3AJ (Case No: 23/00780/HOARD).

(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 extension (with single-storey front element) to dwellinghouse at 41 Cherry Walk, Sheffield, S35 1QR (Case No: 23/00576/FUL).

(v) 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 erection of telecommunications base station comprising of 17.5m high column, 3no. antennas, associated GPS module, 1no. equipment cabinet, 1no. meter cabinet and ancillary works (Application to determine if approval required for siting and appearance) at electricity substation at rear of Holmwood Nursing Home, 50 meters along track, Warminster Road, Sheffield, S8 9BN (Case No: 22/03232/TEL).

(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 building comprising 4 business/industrial units (Use Classes E (g (iii)/B2) with associated car parking at G Morley Ltd, Worthing Road, Sheffield, S9 3JA (Case No: 22/02875/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 alterations to front paved area of dwellinghouse to form off-road parking including formation of dropped kerb at 520 Fulwood Road, Sheffield, S10 3QD (Case No: 23/00825/FUL) has been dismissed.

Officer Comment:-

The Inspector identified that the appeal site falls within a section of two to three storey housing dating from around 1900, in the middle of this more or less unbroken frontage of terrace blocks. He highlighted that the main issue was the effect of the proposed parking area on the character and appearance of the street scene.

The Inspector noted that some neighbouring properties have already excavated ground and removed the front boundary wall to provide a parking and bin space. While largely subsumed into the predominant character of the street scene, he felt that the cumulative effect of further parking spaces would be detrimental to the character of the housing group as a whole, particularly as it would extend the breach of boundary walling at 522 and 524 over three dwelling frontages and add to the destruction of the tight alignment of front boundary walls.

The Inspector acknowledged that older housing stock should be suitably improved where necessary and appropriate, but that this has to be balanced with harm to amenity in terms of the visual quality of the built environment and in this case he concluded the benefit to the appellant is outweighed by national policy.

In relation to other points raised in support of the proposal, he considered that outlook from the property and electric vehicle charging are incidental benefits which can be achieved (or likely achieved) by other less harmful measures. He also noted that the proposal would benefit the appellant but would reduce the availability of on-street parking, increasing parking stress as a whole. Consequently, the appeal was dismissed.

(ii) To report that an appeal against the delegated decision of the 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) has been dismissed.

Officer Comment:-

The proposal related to a former department store located on the eastern side of Haymarket, most recently occupied (in part) by B&M Bargains and a snooker hall. The proposed development sought a change of use to residential accommodation with shared facilities, including a gym.

The Inspector highlighted the main issues: the effect of the proposal on the living conditions of future occupiers including whether the proposal would contribute towards a vibrant, sustainable community; and whether the proposal would provide suitable access, refuse and cycle storage.

The Inspector noted the good-sized rooms and range of features within them, meaning that residents would likely spend a significant amount of time in them despite the availability of communal areas. It was considered that many rooms were considered to have an acceptable outlook, while the outlook from others would be poor. The arrangement of rooms with no external windows at second and third floor level would also be problematic, their outlook (onto a communal amenity area) would be compromised, and their privacy affected by the adjacent communal amenity area resulting in a claustrophobic feel. The Inspector concluded that the proposal would therefore have an unacceptable adverse impact on the living conditions of future occupiers of the site and conflict with Policy CS74 of the Core Strategy and paragraph 130 of the NPPF. Also, that the proposal by reason of the significant adverse impacts outlined above, would not contribute towards creating an attractive, sustainable and successful neighbourhood and would consequently further conflict with Policy CS74 in this respect.

The Inspector accepted that Dixon Lane suffers from a degree of poor environmental quality but had no reason to consider that an access from this street would be inappropriate. The refuse storage and cycle area would occupy the same space within the basement and, while the cycle storage area would be easily accessible from Dixon Lane, the Inspector felt that having to store a bicycle along with refuse and recycling was unlikely to be pleasant or safe or offer any encouragement or support to utilise this mode of travel. It was also considered unlikely that the required level of cycle parking could be provided alongside waste storage.

In other matters the Inspector felt that there was insufficient evidence to conclude that the provision of this type of accommodation would cause an oversupply of such accommodation or imbalance within the area. Also, that set against the harm identified, the proposal would contribute to the overall supply of housing, provide some support to the local economy both during and after construction, and an on-site gym would provide health benefits to residents, affording these matters moderate weight. The Inspector found the evidence on the need for student accommodation was mixed and inconclusive

and so afforded this matter limited weight.

In the planning balance the Inspector noted that the NPPF places significant emphasis on achieving well designed places, stating (at para.130) that planning decisions should create places which promote health and wellbeing with a high standard of amenity for future users, and there is support for cycling at para 104. Therefore, the conflict between the proposal and Policy CS74 of the Core Strategy should be given significant weight and the conflict with the guidelines relating to cycle parking should also be afforded significant weight. As the proposal would be contrary to this policy and guidance, there would be conflict with the development plan as a whole.

The Inspector highlighted the lack of a five-year supply of deliverable housing sites and that, consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The Inspector accepted that there would be economic and social benefits associated with the provision of the scheme but identified significant adverse impacts associated with the proposal regarding living conditions as well as deficiencies with regard to the bin and cycle storage space.

Consequently, the Inspector concluded that the adverse impacts significantly and demonstrably outweighed the benefits of the proposal when assessed against the policies in the Framework taken as a whole and, as a result, the presumption in favour of sustainable development did not apply and the appeal should be dismissed.

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 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) has been allowed.

Officer Comment:-

The Inspector identified the appeal site as a mid-terraced property of traditional appearance, set above Fulwood Road with a garden set at a higher level than the road behind a stone wall and some planting. They highlighted the main issue to be the effect of the proposed parking area on the character and appearance of the area.

The Inspector noted that the traditional and established appearance of this terrace is likely to have been one framed by front walls with front gardens set beyond, but that this arrangement is not reflective of the whole terrace as it currently stands which has a rather mixed appearance including open frontages with hardstanding to allow a vehicle to park at No's 504, 522, 524 and 534 Fulwood Road. Also, that some gardens are extensively planted,

and some are not, especially those where a parking area has been created.

The Inspector found that the addition of a similar feature to those existing would not harm the character and appearance of the area given the mixed nature of the existing frontages, especially given that two of those properties are very close by to the west of the appeal site, and that the proposal would not conflict with policies BE5 and H14 of the Unitary Development Plan which, amongst other things require good design and development that would be in scale and character with neighbouring buildings.

The Inspector felt that there was nothing, including the provisions of the NPPF, to indicate that the decision should be made otherwise than in accordance with the development plan and concluded that the appeal should be allowed. Planning permission was therefore granted subject to the standard three-year time limit, in accordance with the approved plans and subject to a condition relating to surfacing, in the interests of highway safety and to reduce the risk of surface water flooding.

(ii) To report that an appeal against the delegated decision of the 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, Sheffield, S35 2XT (Case No: 22/04488/FUL) has been allowed.

Officer Comment:-

The main issue in this case was whether the proposed development would be inappropriate development in the Green Belt.

The Inspector noted that the Government attaches great importance to Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 149 of the Framework lists the types of development that are not considered inappropriate in the Green Belt, including at part c) the extension or alteration of a building provided it does not result in a disproportionate addition over and above the size of the original building.

Policy GE3 of the Unitary Development Plan seeks to protect Green Belt land through resisting the construction of new buildings, subject to certain limited exceptions. This policy pre-dates the Framework and is not entirely consistent with it, as it is more restrictive in relation to the construction of new domestic development in the Green Belt. Consequently, and having regard to paragraph 219 of the Framework, the weight the Inspector attached to UDP Policy GE3 was limited.

The Inspector found that, whilst the garage would not be an extension of the building's fabric, it would provide an incidental function within its curtilage, within proximity of the main building. Taking the principles of case law into account, he felt it reasonable to consider the appeal scheme as an exception under paragraph 149 (c) of the Framework.

Whilst the garage would be sited forward of the front elevation of the host dwelling and at an angle, the Inspector considered that its footprint, height and overall volume would be considerably smaller than those of the bungalow. Its position, at a lower level than the bungalow, together with its matching materials, would also contribute to its subservient appearance.

Accordingly, given its overall scale and siting, the proposal would not result in a disproportionate addition over and above the size of the original building and so he found that the proposal would not be inappropriate development in the Green Belt and would accord with the provisions of the Framework.

With respect to openness and the purposes of the Green Belt, the Inspector concluded that the proposal would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within it and recommend that the appeal be allowed subject to conditions.

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

7 November 2023

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