



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 18 February 2014

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

DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
18 February 2014

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 Council to refuse planning permission for erection of a dwellinghouse at Land To The Rear Of 33 To 35 Nottingham Cliff Sheffield S3 9GU (Case No 13/03341/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for a two-storey side extension and single-storey rear extension to dwellinghouse (amended scheme 12/02948/FUL) at 7 Cliffe Farm Drive Sheffield S11 7JW (Case No 13/02243/FUL)

Officer Comment:-

The Inspector considered the main issue to be impact on neighbours living conditions particularly in respect of privacy and overlooking.

The Inspector agreed with the Council and the appellant that the principle of the two storey side, and single storey rear extension had been established by the previous permission, and that the safety barrier and use of the flat roof as a balcony were the key issues.

The Inspector agreed with the Council that despite the rear gardens of the dwellings being overlooked by users of Bingham Park, an unacceptable degree of overlooking of the garden of no.9 Cliffe Farm Drive would result from users of the balcony from a higher vantage point leading to a consequential reduction in privacy, in conflict with policy H14 of the UDP.

Little weight was given by the Inspector to the apparent support for the proposals from the occupants on no.9, the affected house.

The appeal was therefore dismissed.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning consent for the demolition of timber sheds and erection of outbuilding for use as ancillary office accommodation and storage (As amended plans received 10/05/13) at Stoney Croft Cottage Midhope Hall Lane Sheffield S36 4GP (Case No 13/00718/FUL)

Officer Comment:-

The appeal site is in the Green Belt and within the Midhopestones Conservation Area and the cottage is a Grade II listed building.

The main issues were whether the proposed development would be inappropriate for the purposes of the National Planning Policy Framework, whether it would preserve or enhance the character or appearance of the conservation area and, if inappropriate development, whether there were very special circumstances that would outweigh the other considerations and the effect of the proposal on the grade II listed building.

The Inspector concluded that the new building would have a materially greater impact on the openness of the Green Belt. In addition, it would close a gap that currently gives this part of the site an open aspect so would diminish the openness of the Green Belt. It would also represent an intrusion or encroachment into the countryside conflicting with one of the purposes of designating land within the Green Belt

The roof design would be inconsistent with the host building and adjacent barn and the window openings would be out of character.

Accordingly, the Inspector considered that the building would fail to preserve or enhance the character or appearance of the conservation area.

The proposed new building would be positioned in close proximity to the barn but would be seen in the context of the listed building. It would fail to reflect the listed building's form because of its layout. Also, the proposed building would be located close to the site boundary and so would detract from the generally open views and would restrict views of the listed building from the highway thereby harming its setting contrary to Unitary Development Plan policy BE19

For the above reasons, the appeals were dismissed.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning and listed building consent for the alterations to existing chapel to form 12 flats at Woodhouse Trinity Methodist Church Chapel Street Woodhouse Sheffield S13 7JL (Case Nos 12/01336/FUL & 12/01337/LBC) has been dismissed.

Officer Comment:-

The former chapel is a listed building and the main issues the Inspector considered were whether the proposal would preserve the building and its setting; the impact of the development on the living conditions of future and adjoining occupiers (outlook and overlooking) and; highway safety (particularly on-street parking).

Whilst the Inspector accepted the principle of the conversion of the building to residential use (as do the Council) and found that the insertion of new window openings externally would not adversely affect the special character of the building, he considered that the internal works would, by their extent and scale, harm the character of the building. In particular, he was concerned about the removal of ornate metal columns without proper justification and he felt that the horizontal subdivision of the space would not respect the position of existing windows and surrounds and would result in floors and ceilings cutting across existing openings. He felt that the conversion was over-intensive and would fail to comply with adopted planning policies in the UDP, Core Strategy and National Planning Policy Framework. As such it would be harmful to the special architectural and historic interest of the building.

On the issue of living conditions, the Inspector was concerned that there would be inadequate daylight and outlook to a number of habitable rooms and was also concerned that there would be overlooking of adjoining gardens from the new windows proposed. He concluded that the development would have a materially harmful effect upon the living conditions of future residents and existing neighbours.

On car parking, the Inspector considered that adequate parking could be accommodated on the site and, even if there was some overspill parking onto the adjoining highway he did not consider that this would be particularly problematic so he did not support this reason for refusal.

4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for an increase in roof height, construction of dormer windows to front & side elevations and single-storey rear extension to dwellinghouse at 16 Stumperlowe View Sheffield S10 3QU (Case No 13/02626/FUL) has been allowed.

Officer Comment:-

The main issues were the effect of the development on the character and appearance of the house and on the surrounding area and the effect on the living conditions of adjoining residents.

The property is split level due to the land rising to the rear. The house is two storey to the front with a single storey to the rear. The proposal was to increase the height to the rear to provide additional rooms. This would mean

the raising of the roof by 3.2 metres with dormer windows to front and rear.

The rear raised part of the house would be higher than the front of the house but would be set back by 7 metres. The Inspector considered that the higher extension would not dominate the building and the use of matching materials would prevent it from looking uncoordinated with the existing house. It was felt that the proposed extension would not result in any significant harm to the character and appearance of the house of the wider area.

Although the neighbouring property is lower than the appeal property, the Inspector considered that the rear extension, although projecting 4 metres from the existing rear wall it would not be overbearing to the neighbours property and would not significantly harm the living conditions of the adjoining residents.

The Inspector concluded that the extension would not be out of character or harm the character and appearance of the locality and would not significantly harm the living conditions of the adjoining residents and so allowed the appeal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning consent for an application for a Lawful Development Certificate for the provision of a 1m high gate to the rear boundary wall of dwellinghouse (Application under Section 192) at 44 Kensington Drive Sheffield S10 4NF (Case No 13/00421/LD2) has been allowed.

Officer Comment:-

The main issue in this appeal was whether a condition on an earlier permission requiring the retention of a boundary wall on a development site took precedence over an individual property's permitted development rights to remove part of the wall to form a gateway.

The stone boundary wall of the site was considered to be a significant feature in the locality and as such, was included within a condition requiring the retention of a number of features within the site thought worthy of retention.

The Inspector concluded that, as the original condition did not specifically remove the permitted development rights granted within the General Permitted Development Order, the condition requiring the retention of the wall was only in force for the duration of construction works on site and once the houses became occupied, they gained the normal permitted development rights. This being the case, the proposal to form a gateway in the wall was lawful and the appeal was allowed.

The Inspector considered that the legal position should have been well known to the Council and as such, the refusal was unreasonable. This being the case, costs were awarded against the Council.

(iii) To report that an appeal against the delegated decision of the Council to

refuse planning consent for the erection of a dwellinghouse (Amended plans received 18/07/2013 and 02/08/2013) at Curtilage Of 61 Armstead Road Beighton Sheffield S20 1ES (Case No 13/01909/FUL) has been allowed.

Officer Comment:-

The Inspector considered that the main issue was the impact of the proposed development on the character and appearance of the locality, having particular regard to the design. He agreed that the Council's design policies are broadly in line with the National Planning Policy Framework.

He noted that the area had a variety of architectural styles with two storey pitched roof detached and semi-detached dwellings. He recognised that the proposed shallow pitched roof and dormers of the proposed development would not mimic the adjacent property but neither did he feel that it would be overtly prominent in this part of the street scene. He felt that the design was consistent with the mixed character of the area and would complement it.

He allowed the development subject to conditions requiring a landscape scheme, samples of external materials to be agreed and details of boundary treatments.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning consent for an application to extend permission for a further 3 years (Application under Section 73 to vary/remove condition No.1 as imposed by planning permission 10/00775/CHU - Continuation of use of land as a car wash site between 0800 - 1800 hours and as a car park between 1830 - midnight on any day) at Arena Hand Car Wash Broughton Lane Sheffield S9 2DE (Case No 13/00122/FUL) has been allowed

Officer Comment:-

The Inspector considered that approving an extension of time for the car wash for a further 3 years (as opposed to the 2 years granted by the Council) would allow the applicant to invest in the erection of a close boarded timber fence between the car wash and the adjoining site, to prevent spray affecting the adjoining business. This was required by Condition 4 of the planning approval but the appellant had argued that he couldn't afford the financial outlay to install it on the basis of a two year consent. The Inspector concluded that the further 12 months consent would not compromise the long-term regeneration of the site, bearing in mind the current economic conditions and as such it was in the interests of good planning to allow the business to continue, bearing in mind it was not at odds with the adopted planning policies in the Unitary Development Plan or the National Planning Policy Framework.

5.0 APPEAL – ENFORCEMENT NOTICE

(i) To report that appeals against an Enforcement Notice served in respect of the breach of planning control for the erection of a conservatory at the rear/side of the property at 104 Stafford Road Sheffield S2 2SF have been allowed, the enforcement notice is quashed, and planning permission is

granted.

Officer Comment:-

The Inspector considered that the main issues were whether the development preserves or enhances the character or appearance of the Norfolk Road Conservation Area and whether there are any adverse impacts on the living conditions of the neighbouring property. He noted that glimpses of the conservatory could be gained from the main highway as it extends past the side wall by 500mm and the red brick (which does not match the host property) draws particular attention to the structure. In terms of the UPVC frames, the Inspector noted that all of the windows to the host property were already UPVC and there were plenty of other similar examples in the street scene so he did not consider that this in itself would materially harm the appearance of the dwelling or the character of the Conservation Area. If the brick walls of the conservatory were rendered to match the host property he considered the development to be acceptable in design terms.

On the issue of overshadowing, over dominance and overlooking to the neighbouring property the Inspector concluded that although the conservatory was on elevated ground in comparison the neighbouring dwelling, the neighbouring boundary wall restricted direct views from the conservatory and the nature of adjoining properties was that they all resulted in a degree of overlooking of each other. He did not feel that the conservatory would have a materially harmful impact in this respect.

The Inspector allowed the appeal on condition that the brick walls be rendered to match the host property within 6 months of the decision.

6.0 RECOMMENDATIONS

That the report be noted

Maria Duffy
Acting Head of Planning

18 February 2014

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