



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 1 April 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
1 APRIL 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 decision of the Council at its meeting of the 17 December 2013 to refuse with Enforcement Action planning consent for retention of UPVC windows, soffits and fascias to front elevation and repainting stone lintels and string course at 261a, 1st Floor Flat 269 Fulwood Road, Flats 1, 2 And 3, 271 - 273 Fulwood Road Sheffield S10 3BD (Case No 13/02775/FUL)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the Council to refuse planning consent for retention of balcony to rear of dwellinghouse (retrospective application) at 523 Loxley Road Sheffield S6 6RR (Case No 13/00974/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for alterations to building to form No. 3 self-contained flats at 27 Filey Street Sheffield S10 2FG (Case No 13/00250/FUL) has been dismissed

Officer Comment:-

The Inspector considered the main issues to be the effect on the character and appearance of the area, and whether the proposal provided satisfactory living conditions, with particular regard to external amenity space.

She considered that the substantial extension would have a dominant scale and its roof form would not reflect the traditional pitched roof of the original property. Whilst not visible from Filey Street, it would be visible from Hanover Way, adjacent church grounds, and private views from neighbouring residential properties. She concluded on this matter that the development would be an incongruous addition that would be harmful to the street scene contrary to policies BE5, H14, and BE18 of the UDP.

In terms of living conditions, the proposal reduced the external amenity space

to 17 sqm which would be shared by 9 occupants, for sitting out, bin storage, clothes drying etc. The Inspector noted that figure fell significantly short of the 80 sqm required by the South Yorkshire Residential Design Guide and agreed with the Council that this level of provision was inadequate and that the scheme represented overdevelopment of the site contrary to H5 and H14 of the UDP.

The small contribution the development would make to the housing stock in a sustainable location was noted but did not outweigh her overall concerns.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning consent for enlargement of domestic curtilage to provide parking space to side of dwellinghouse, including construction/formation of a means of vehicular access across existing verge at 78 Abbey Brook Drive Sheffield S8 7UT (Case No 13/02498/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue was the effect of the development upon the character and appearance of the area.

He noted that Abbey Brook Drive was an attractive street characterised by woodlands and green spaces. He agreed with the council that the curtilage extension into the woodland would not have a detrimental impact.

He also agreed that a 3m wide tarmac or concrete strip would have a stark appearance that would conflict with the green character of the area, detracting from its setting.

The presence of other access points or hard standings was noted however the Inspector felt these were in areas where the character was considerably more built up than the appeal site.

He concluded that the development would have an adverse visual impact, contrary to policy CS74 of the Cores Strategy and to the NPPF which seeks to secure high quality design.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning consent for an application for extension of opening hours of hot food takeaway to 1100 hours - 0300 hours (the following day) Mondays to Saturdays and 1100 hours - 0200 hours (the following day) Sundays and Public Holidays (Application under Section 73 to vary condition 3 of planning permission 12/04039/CHU - Use of ground floor restaurant as a hot food takeaway (Use Class A5 - Hot Food Takeaways) at 283 Ecclesall Road Sheffield S11 8NX (Case No 13/01367/CHU) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be whether the condition (no3) on

the original permission, restricting use to between 0900 hrs and 2330 hrs (and to 2300 hrs on Sundays) follows the advice of the conditions circular 11/95 and is therefore necessary, relevant and reasonable, particularly with reference to the reason given for the condition – to protect local resident's amenities.

She also considered the impact of allowing a variation of the condition to allow use until 0300 hours (and 0200 hours on Sundays and Bank Holidays) upon resident's amenity.

She noted the busy district centre and main road location of the property, the range of late night uses, and the proximity of flats above the appeal property.

She also noted that the Council had attempted to strike a balance between business needs and those of residents regarding reasonable living conditions. She noted a consistent application of a 2330 closing time for other businesses and that previous appeal decisions had upheld this position.

The Inspector agreed with the Council that the extension of operating hours would lead to extra custom noise and disturbance around the appeal property. She noted a nearby bar (Menzel's) was open later into the night, and accepted it generated activity, but felt that the consolidated and intensified use around the takeaway would cause harm to local residents.

She therefore dismissed the appeal.

(iv) To report that an appeal against the decision of the Council at its meeting of 13 August 2013 to refuse planning consent for erection of two detached dwellinghouses (C3 Use), including private access road and associated landscaping at Curtilage Of 7 Stocks Green Court And Land Rear Of 3-7 Stocks Green Court Sheffield S17 4AY(Case No 13/00660/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the development upon the living conditions of existing and future occupants of no7 Stocks Green Court with particular regard to noise disturbance.

He noted the main access serving the two dwellings would be passing between a detached garage and no7. This gives rise to the potential for noise disturbance to no7 and he noted the appellant's reference to the small scale nature of the scheme but noted also the potential for three bedroom houses to host two vehicles, plus deliveries, and visitors and also that such activity could occur at unsocial hours.

He particularly also noted the gradient of the proposed drive would have an effect on vehicle noise (higher revs) that at such close proximity to no7 would cause an unacceptable level of noise disturbance. He did not consider however that there would be a loss of privacy from the juxtaposition of the

drive and windows to no7.

He also noted the absence of a 5 year deliverable housing land supply in the city, meaning the Council's housing policies are out of date (para 49 NPPF) and that the NPPF requires a presumption in favour of sustainable development unless the impact of doing so would outweigh the benefits. He notes however that whilst the development would make a small contribution to housing supply it would cause significant harm to the living conditions of existing and future occupants of no7 which would demonstrably outweigh such benefits.

He therefore dismissed the appeal.

4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for an application under Sec 73 to remove condition 18 (provision of green/brown roofs) imposed by 09/00805/FUL (Erection of 8 dwellinghouses with garages and new access road) at Land At The Junction Of Stumperlowe Crescent Road And Storth Lane Stumperlowe Crescent Road Sheffield S10 3HW (Case No 13/00037/FUL) has been allowed conditionally.

Officer Comment:-

The main issue in this appeal was whether the condition was necessary in the sense intended by Circular 11/95 "The Use of Conditions in Planning Permissions, having regard to the intentions of the development plan and other relevant policy.

In this case, the Inspector was of the opinion that due to the location of the houses, the roofs were barely visible so the lack of the green roofs would not harm the character and appearance of the conservation area.

In terms of the impact on the sustainability of the development, the Inspector noted the provisions in the Core Strategy and the Supplementary Planning Document "Climate Change and Design" and the fact that on smaller residential developments, green roofs were encouraged, but not required. The Inspector also considered that the reason why it was proposed to remove the green roofs was commercial preference rather than a viability issue.

It was considered that the ultimate test was whether the development would have to be refused permission if the green roofs were not provided, In this respect, the Inspector reasoned that there would not be a harmful effect on the character and appearance of the area nor would this significantly add to the urban heat island effect or undermine the mitigation of such, enhance biodiversity or reduce surface water run-off. So, in the absence of sound reasons to retain the condition, the Inspector allowed the appeal

5.0 RECOMMENDATIONS

That the report be noted

Maria Duffy
Acting Head of Planning

1 April 2014