



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 24 March 2015

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
24 March 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 City Council to refuse planning permission for erection of a dwellinghouse at Land Between 12 And 14 Cooks Wood Road Sheffield S3 9AB (Case No 14/02823/OUT)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to grant conditionally planning permission for erection of first-floor side extension above existing single-storey side extension and new roof lights at 18 Cobnar Avenue (Case No. 14/03272/FUL)

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for installation of a digital advertising/information (Transvision) screen within the concourse of Sheffield Railway Station at Sheffield Midland Station Sheaf Street Sheffield S1 2BP (Case No. 14/03957/LBC)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the decision of the Council at its meeting of 11 March 2014 to refuse planning consent for erection of 9 apartments with associated undercroft car parking accommodation (As amended by plans received 26/02/2014) at Land Between 1 To 3 And Nos 5 And 7 Dover Road Sheffield S11 8RH (Case No.13/03930/FUL) was dismissed.

Officer Comment:-

The Inspector identified the key issues as being:-

- a) The effect the development would have on the appearance and character of its surroundings; and
- b) Whether the scheme was overdevelopment, resulting in poor living conditions for existing and future residents

In terms of a) the Inspector agreed with the Council's view that the scale of the development was not out of character but that the blank façade at street level, created by an enclosed parking area and vehicle entrance to it was a harmful introduction to the street scene, in marked contrast with the surroundings, presenting a blank façade to passers-by. The Inspector did not accept that other more traditional examples of vehicle entrances nearby gave justification for this element, and agreed with the Council that such examples should not be followed if local and national design policy objectives are to be achieved.

He also agreed with the Council that the rear elevation of the property, visible from neighbouring dwellings includes features which appear incongruous and present an unbalanced design.

He concluded on a) that the scheme was contrary to the aims of UDP policy H14(a); Core Strategy Policy CS74; and part 7 of the NPPF.

In terms of b) he accepted the Council's position that there would be no loss of amenity for existing neighbouring residents. He further agreed that proposed measures, including high level and narrow, angled and screened windows, to avoid overlooking of neighbouring residents resulted in poor outlook for occupants of three of the flats, and would further limit daylight and sunlight entering those rooms.

In addition, he agreed with the Council that the proximity of windows to the shared external amenity space and to the storage and waste handling areas of the club to the south (Pointing Dog) would give rise to noise and disturbance for future occupants. Whilst he noted this could be solved by mechanical ventilation and fixed windows, he agreed this was another feature that was indicative of overdevelopment, not associated with the sustainable development aims of the NPPF.

He did not agree with the Council's position that the fumes and odours from extraction equipment associated with the club would affect the use of balconies, feeling that this could be controlled by other legislation.

Finally on b) he agreed with the Council that the level of private and shared amenity space associated with the development would not meet local standards (South Yorkshire Residential Design Guide) and the shared amenity space would be subject to overlooking and disturbance from neighbouring residents and from the plant on the kitchen roof to the Pointing Dog.

In summary on b) the Inspector considered the accumulation of several negative amenity factors would represent poor quality development that would not meet aspirations of local and national planning policy, strongly indicating overdevelopment of the site.

He 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 erection of a dwellinghouse at 10 Perkyn Terrace Sheffield S5 0AN (Case No14/02291/FUL) was allowed conditionally.

Officer Comment:-

The Inspector recognised that the area is characterised by a uniform urban grain comprised of regularly spaced semis and four-unit terraces with a consistent building line.

The appeal site is a corner plot but the new house would be set back to respect the building lines on both streets and the style, although detached, would reflect that of the adjoining properties according to the Inspector.

The Inspector failed to mention the lack of a back garden area and considered that the presence of a larger side garden was appropriate and that the erection of a 2 metre high fence around this corner plot, fronting the highway, would not adversely impact on the character of the area.

Your officers are disappointed by this conclusion as it is considered that this will lead to a gradual erosion of character in the wider area, where there are many open corner plots which give a spacious feel to the estate.

In addition to concluding that the design and layout of the property was acceptable the Inspector considered that there would be no adverse impact on the living conditions of adjoining properties and that the parking provision proposed was adequate to serve the development.

5.0 APPEAL – ENFORCEMENT NOTICE

(i) An appeal against the service of an enforcement notice on 9th April 2014 to secure the removal of an unauthorised wall and reinstatement of land at land between 1 to 3 and 5 to 7 Dover Road, Sheffield S11 8RH was dismissed

Officer Comment:-

This enforcement appeal was submitted under grounds a), c), and f).

The ground c) appeal is that there is no breach of planning control

There was dispute between the Council and the appellant over whether the works were within the envelope of works approved for a retaining feature and landscape works under a previous application. The Inspector concluded that the works had gone beyond that permitted by the previous approval and constituted development that required planning permission.

The ground c) appeal therefore failed.

The ground a) appeal is that planning permission should be granted for the works, and the Inspector identified the main issue to be whether the works had a harmful impact upon the character and appearance of the surroundings.

The Inspector noted that the grey concrete block wall had a utilitarian and harsh appearance which due to its extent and height (4m) has a significant visual impact on the surrounding area. He therefore agreed with the Council that the 'monolithic structure' seriously detracts from the quality and character of its surroundings. Implementation of the approved embankment would screen part of the wall (its base) but leave significant elements exposed, and as such he did not grant planning permission, and the ground a) appeal failed.

The ground f) appeal is that the steps required in the enforcement notice are excessive.

The appellant claimed the removal of the wall was excessive and the harm could be overcome by lesser steps. The Inspector in part agreed, in that the provision of the approved embankment and fair facing the remaining wall in an appropriate material would make the development acceptable.

The ground f) appeal succeeded to that limited extent and the Inspector varied the Notice to reflect this.

The revised notice requires the formation of the approved embankment; and the replacement of the concrete block wall with a wall of natural sandstone, capped with natural sandstone similar to that used on neighbouring buildings.

The appellant has 6 months from 17 February to comply.

6.0 RECOMMENDATIONS

That the report be noted

Maria Duffy
Acting Head of Planning

24 March 2015

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