

## DEVELOPMENT SERVICES

REPORT TO PLANNING &  
HIGHWAYS COMMITTEE  
19 July 2016

### 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 first-floor side extension to dwellinghouse (re-submission of 15/02725/FUL) at Barnes Green House Elliot Lane Sheffield S35 8NR (Case No 16/00454/FUL)

### 3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for the demolition of existing outbuilding, conversion and extension of the existing garage into a one bedroom apartment and provision of a bike and bin store (re submission of (14/02748/FUL) at Grace Tebbutt House 9 Thornsett Road Sheffield S7 1NA (Case No 15/03519/FUL) has been dismissed.

#### Officer Comment:-

The main issues were (i) the effect of the development on the character and appearance of the Nether Edge Conservation Area; and (ii) whether future occupiers would have acceptable living conditions.

In respect of (i) the Inspector noted the leafy, residential, Victorian and Edwardian character of the area, and the prominent corner location of the site. He considered the development to be at odds with the main building, with the flat roof, small scale, and window arrangements all in stark contrast to those of the host building. The location of external bin and cycle stores within the garden would detract from the character of the area and be at odds with the established street scene. It would therefore harm, not preserve the character and appearance of the Conservation Area. Although the harm would be less than substantial, in terms of the NPPF, the public benefit of one additional residential unit in a sustainable location would not be sufficient to outweigh the harm.

He therefore agreed with the Council that it would conflict with the aims of

UDP policies BE5, BE16 and H14, and CS74 of the Core Strategy and the NPPF.

In terms of (ii) he agreed with the Council that the development would not provide satisfactory living conditions owing to the outlook being onto parking and bin storage areas, the close proximity of the site entrance causing noise and disturbance, and poor quality amenity provision. As such he agreed it would be contrary to UDP policies H5 and H14.

The appellant had argued the UDP should be given little weight due to their age, but the Inspector afforded them due weight on the basis that they are consistent with the National Planning Policy Framework.

(ii) An appeal against the delegated decision of the Council to refuse planning consent for the conversion of double garage with 2-bedroom flat over to create 3-bedroom dwellinghouse with associated car parking at the curtilage Of 41 Hurlfield Road Sheffield S12 2SD (Case No 15/04226/FUL) has been dismissed.

Officer Comment:-

The Inspector considered that the proposed ridge dormers are not characteristic of the area and would give rise to an unbalanced appearance for the proposed dwelling, causing harm to the character of the area, being incongruous in the street scene. For this reason he dismissed the appeal as being contrary to UDP Policy H14 and the National Planning Policy Framework.

(iii) An appeal against the delegated decision of the Council to refuse planning consent for single-storey rear extension to dwellinghouse at 5 College Court Sheffield S4 7FN (Case No 15/03793/FUL) has been dismissed.

Officer Comment:-

The main consideration here was the effect of the proposed extension on the living conditions of the occupiers of the adjoining property (No. 7 College Court) with particular reference to outlook.

The proposed extension would project 5 metres from the rear of the property and directly adjoin the boundary with No. 7. It would also have a lean-to roof with an eaves level of 2.5 metres and a ridge height of 4 metres. There is a 1.5 metre fence along the boundary and the Inspector was of the view that a good deal of the extension would project above the fence.

No. 7 has french doors close to the boundary with a window beyond these.. they are in close proximity to the proposed extension which would project rearwards for a considerable distance along the boundary, well in excess of the guideline in the Councils SPG. The extension would be a substantial and unduly dominant feature. The overbearing visual impact would result in an unacceptable level of outlook for the occupiers on No. 7 that would be detrimental to their living conditions.

The Inspector took into account that the extension would provide suitable facilities for 2 disabled children and that para. 159 of the NPPF requires local authorities to address the need for all types of housing. This weighed in the appellants favour.

The Inspector also considered the requirements of the Human Rights Act 1998 but was mindful of the fact that the appellant's right for respect for private and family life must be weighed against other factors including the wider public interest. In the Inspectors view, the legitimate aim of granting permission where buildings would not be harmful to neighbouring living conditions could only be adequately safeguarded by the refusal of permission.

Accordingly, the appeal was dismissed.

## 5.0 RECOMMENDATIONS

That the report be noted

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