



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Interim Head of Planning

Date: 28 March 2017

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
28 MARCH 2017

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 Enforcement Notice served by the City Council in respect of erection of a flue and use of premises as a hot food takeaway at 126 Birley Spa Lane (Case No 16/00314/ENUD)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for alterations to attic space to form 2x self-contained flats (Use Class C3) at 36 Priory Road Sharrow Sheffield S7 1LX (Case No 16/04163/FUL)

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse Advertisement Consent for the retention of a non-illuminated banner sign on the north facing gable at Woodseats Launderette 819 Chesterfield Road Sheffield S8 0SQ (Case No 15/03985/ADV)

(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for alterations and two-storey rear extension to building to form 8 bedroom house in multiple occupation (HMO) at 355A Glossop Road Sheffield S10 2HP (Case No 16/04145/FUL)

(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse Advertisement Consent for free standing double sided internally illuminated digital advertising panel at Opposite Sheffield Midland Station Sheaf Street Sheffield S1 2BP (Case No 16/04174/HOARD)

(vi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse Advertisement Consent for internally illuminated 48 sheet digital LED hoarding at 673 Abbeydale Road Sheffield S7 2BE (Case No 16/03265/HOARD)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for change of use of part of existing Market (adjacent Working Mens Club) to create area for hand car washing business, 2 no. storage containers, site office, canopy, fencing, entrance gates and associated works at Market Market Place Chapeltown Sheffield S35 2UU (Case No 16/03222/FUL) has been dismissed.

Officer Comment:-

The main issues were considered by the Inspector to be i) the living conditions of occupiers of neighbouring properties ii) highway safety iii) the vitality and viability of the market and iv) the character and appearance of the area.

i) The Inspector considered that, as use would be taking place 7 days per week and up to 18.00 hours weekdays and from 08.00 to 18.30 on Sundays and public holidays, the use of jet washers, vacuums etc. would harm living conditions for nearby residents and especially at times when noise levels would be lower than during the working week contrary to UDP Policy S10

ii) Market Place is a busy thoroughfare and the proximity of the entrance to the roundabout would cause drivers to slow on the highway which may not be readily anticipated by other drivers. In addition, the potential for the pedestrian crossing to funnel pedestrians towards and across the access would cause conflict between cars using the car wash and pedestrians. The access off Market Place would be detrimental to highway safety. The egress of cars onto Smith Street would be impeded by parked cars along this heavily parked street. The Inspector concluded that a safe and suitable ingress/egress had not been demonstrated and this was contrary to UDP Policy S10

iii) The Inspector considered that the location of the car wash would result in conflict between cars and pedestrians. It would also be incompatible with a shopping environment. This would jeopardise the future vitality and viability of the market contrary to paragraph 23 of the NPPF

iv) The Inspector considered that the immediate surroundings are of a mixed character and the car wash use would not have a detrimental impact on the character and appearance of the area.

The lack of harm to the character of the area was not considered to outweigh the harm caused relating to living conditions, highway safety and the vitality and viability of the market and so the appeal was dismissed.

(ii) An appeal against the delegated decision of the Council to refuse planning consent for erection of single-storey front extension/porch including canopy and provision of an access ramp at 25 Burngreave Street Sheffield S3 9DQ (Case No 16/03039/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the impact of the proposal on the character and appearance of the area.

The appeal property is part of a terrace with some architectural merit and exhibits a pleasant uniformity and the terrace is largely free from alterations or extensions. The proposal would result in the loss of the curved bay window and the proposed porch, square bay and canopy would cover most of the front elevation and be at odds with the design and proportions of the house and the wider terrace, appearing as incongruous in the street scene. In addition the proposed ramp would take up much of the front yard and be in stark contrast with the boundary treatments on this part of Burngreave Street appearing as incongruous and obtrusive.

The Inspector took into account the requirement to provide improved access for the appellant who is disabled but considered that, although of great weight, this did not outweigh the permanency of the harm caused to the character and appearance of the area.

(iii) An appeal against the delegated decision of the Council to refuse planning consent for the retention of tree-house in rear garden (retrospective application) (Amended scheme to 15/03806/FUL) at 3 Crescent Road Sheffield S7 1HJ (Case No 16/01545/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issues to be the effect of the tree house on the living conditions of neighbours, and on the character and appearance of the Nether Edge Conservation Area.

He noted the tree house provided clear views into and across the gardens of neighbouring houses and their rear elevations. He agreed with the Council that this substantially reduces the level of privacy enjoyed by those occupiers and results in significant harm to their living conditions. He did not consider the appellants proposed screening of access steps would mitigate this and the proposal conflicted with UDP Policy H14.

Given its location however, within the rear garden and hidden from public view, he considered that it did not cause harm to the character and appearance of the Conservation Area.

He therefore dismissed the appeal on the basis of the first consideration, of living conditions.

(iv) To report that an appeal against a Enforcement Notice served in respect of the erection of a tree house at 3 Crescent Road Sheffield S7 1HJ (Case No 15/00256/ENUHD) has been dismissed.

Officer Comment:-

This relates to the refusal of retrospective planning permission noted in 3.0 (iii) above. The enforcement appeal was made on ground a) – that planning permission should be granted; and ground g) that the period for compliance with the enforcement notice is too short.

The Inspector considered the ground a) appeal within his assessment of the

refusal of planning permission appeal in 3.0 (iii) above and had dismissed that appeal.

On ground g) the appellant argued the specified period of 28 days to remove the tree house was too short because time was needed to consider options for the tree (removal, pruning, replacing with a wildlife platform) all of which may require the Council's consent.

The Inspector did not consider these reasons to be convincing but did consider that to extend the period for compliance to two months would be reasonable.

The enforcement notice was therefore varied accordingly.

(v) An appeal against the delegated decision of the Council to refuse Advertisement Consent for siting of freestanding illuminated 48sheet LED advertising unit (Re-submission of 16/02298/HOARD) at Cambridge Service Station 300 Penistone Road Owlerton Sheffield S6 2FU (Case No 16/03600/HOARD) has been dismissed.

Officer Comment:-

The main issues in this appeal were felt to be the effect of the proposal on the character and appearance of the area and on highway safety.

With regard to the impact on the character and appearance, the Inspector noted that this proposal would be seen in conjunction with a similar illuminated hoarding some 100 metres to the north-west. Because of this relationship, the Inspector concluded that the size siting and design of the proposed hoarding would result in an excessive clutter of illuminated signage harmful to the character and appearance of the area.

In respect of the impact on highway safety, the Inspector considered that Penistone Road is a wide straight road at this point and motorists would be able to see the hoarding from such a distance as to enable them to assimilate any advertisements without significantly increasing the risk of accidents happening..

Whilst not prejudicing public safety, it was considered that the harm caused to the character and appearance of the area outweighed this and so the Inspector 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 demolition of storage building and erection of bungalow with associated car parking and garden area at Land And Building Adjacent Slackfields Farm Slack Fields Lane Sheffield S35 0DU (Case No 15/04377/FUL) has been allowed subject to conditions.

Officer Comment:-

The main issues in this appeal were considered to be i) whether the proposed development is inappropriate development in the Green Belt, ii) the effect on the character and appearance of the area, including an Area of High Landscape Value and iii) if the proposal is inappropriate, whether the harm caused is outweighed by other considerations so as to amount to very special circumstances.

i) Paragraph 89 of the NPPF asserts that the construction of new buildings in the Green Belt is inappropriate subject to certain exceptions which include the complete redevelopment of previously developed sites where there would not be a greater impact on the openness of the Green Belt. This means that UDP policies GE3 and GE5 are not consistent with the NPPF and so these policies were given little weight. The proposed dwelling was not considered to have a greater impact on the openness of the Green Belt than the existing building and so was considered to be appropriate development.

ii) The Inspector considered that the proposed dwelling would reflect the appearance of nearby buildings at Slackfields Farm. The design and use of appropriate materials would assist in the assimilation of the building into the landscape. Planting would also reduce its prominence. It was felt that the proposal would not have an unacceptable impact on the character and appearance of the area.

iii) As it was found that the development was not inappropriate development and would not have an adverse effect on the character and appearance of the area, it was not necessary to assess whether very special circumstances exist to justify the proposal. Accordingly, the Inspector allowed the appeal subject to conditions.

5.0 RECOMMENDATIONS

That the report be noted

Flo Churchill
Interim Head of Planning

28 March 2017