



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** The Chief Planning Officer

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**Date:** 3 October 2017

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**Subject:** RECORD OF PLANNING APPEALS  
SUBMISSIONS & DECISIONS

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**Author of Report:** Claire Woods 0114 2734219

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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

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**Reasons for Recommendations**

**Recommendations:**

To Note

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**Background Papers:**

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**Category of Report:** OPEN

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## DEVELOPMENT SERVICES

REPORT TO PLANNING &  
HIGHWAYS COMMITTEE  
3 OCTOBER 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 decision of the Council at its meeting of 7 March 2017 to refuse planning permission for Application to remove requirement for provision of affordable housing (Application under Section 73 to remove condition 22 (Affordable housing provision) from planning permission 16/01169/OUT) at Site Of Oughtibridge Mill Sheffield Site 22 - 24 Main Road Wharnccliffe Side Sheffield S35 0DN (Case No 16/04679/OUT)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the Council to refuse planning permission for a single-storey side/front extension to dwelling house at 198 Gleadless Road Sheffield S2 3AF (Case No 17/01104/FUL)

### 3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for the erection of a first floor extension over existing garage to form additional living accommodation at 35 Farnaby Drive Sheffield S35 4NY (Case No 17/00101/FUL) has been dismissed.

#### Officer Comment:-

The main issue in the appeal was the effect of the first floor extension on the living conditions of the neighbouring occupiers with particular regard to outlook.

The appeal property is set back from the neighbour at No.33 such that its front elevation is approximately in line with the rear elevation of No.33. No.35 has a side garage running the full depth of the house which abuts the boundary between nos. 35 and 33. The proposal was to erect a first floor extension over the side garage, running the full depth on the dwelling. This would present a two storey flank wall along the boundary with the neighbouring property for a distance of about 8.5 metres beyond its rear elevation

The Inspector considered that the extension would be significantly taller than the existing garage and was of the view that the scale and height of the extension coupled with its proximity would result in it being visually dominant and appearing oppressive and overbearing when viewed from the rear windows of No, 33 and its rear garden. In this respect, the proposal would cause material harm to the living conditions of the neighbouring occupiers and would be contrary to UDP Policy H14 and the guidance in the Council's SPG "Designing House Extensions" It was also considered to be at odds with the National Planning Policy Framework which indicates that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupiers of land and buildings.

Accordingly, the appeal was dismissed.

(ii) An appeal against the delegated decision of the Council to refuse advertisement consent for Sign A - Internally illuminated Wall panel at Mercedes Benz Sheffield Road Tinsley Sheffield S9 2FZ (Case No 17/01009/ADV) has been dismissed.

Officer Comment:-

The Inspector noted that the sign would be significantly larger than other adverts along the frontage of the dealership and would be in a prominent position fronting the busy dual carriageway. He considered that it would be imposing and disproportionately large, particularly given its significant width. He considered that it would be out of scale with other adverts in the vicinity and have an unsympathetic appearance. He therefore concluded that the sign would be detrimental to visual amenity.

(iii) An appeal against the delegated decision of the Council to refuse planning consent for single-storey rear/side extensions to dwelling house (Re-submission of 16/00378/FUL) at The Lodge Standhills Long Line Sheffield S11 7TX (Case No 17/00452/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issues as being:-

- i) Whether the works were 'inappropriate development' in NPPF Green Belt policy terms;
- ii) The effect on the openness of the green belt and character of the area; and
- iii) Whether, if 'inappropriate' and therefore harmful by definition, any very special circumstances outweighed such harm.

For i) given the proposed extensions would result in a 68% increase in the volume of the original dwelling he agreed with officers that this would be disproportionate and therefore inappropriate within the terms of paragraph 89 of the NPPF and the Council's own Supplementary Planning Guidance.

He considered in respect of ii) that the extensions would be readily visible in

public views and would result in notable harm to the openness of the Green Belt.

He considered the appellant's argument that the dwelling fell short of the national space standards for dwellings as very special circumstances for iii) along with their argument that they have a growing family and wish to stay in the area. However he concluded that the space standards have no basis in local plan policy, but that in any event the house met the standards. He acknowledge The Lodge was a small house, but felt the increases proposed were substantial and not necessary to provide basic modern amenities. He did not consider this to be very special circumstances.

His overall conclusion was therefore that the proposal was inappropriate development that by definition was harmful to the Green Belt, and would have material harm to openness that carried significant weight. This was not outweighed by the appellant's arguments for very special circumstances and he dismissed the appeal.

(iv) An appeal against the delegated decision of the Council to refuse planning consent for the subdivision of dwelling house to create 4x self contained apartments including the insertion of rooflights, extension to front lightwell and removal of access steps to rear (Re-submission of 16/03442/FUL) at 71 Marlborough Road Sheffield S10 1DA (Case No 17/00413/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issues as:-

- i) Whether the development would preserve or enhance the character of the Broomhill Conservation Area; and
- ii) The quality of the living conditions for future occupiers of the lower ground floor apartment in terms of outlook and natural daylight.

He noted in terms of i) that the corner location allowed clear views of the front elevation of the building protected by an Article 4 Direction, and considered the physical changes, in particular the frameless glass balustrade would present an uncomplimentary contemporary finish that would not complement or enhance the Conservation Area. He considered this harm to be 'less than substantial' within the terms of para 134 of the NPPF and acknowledged the public benefit of providing sustainably located, accessible, residential accommodation, however such benefit did not outweigh the harm to the Conservation Area in his view and he concluded the works did not preserve or enhance the Conservation Area and were in conflict with policies BE16 and H14 of the UDP, CS74 of the Core Strategy and para 134 of the NPPF.

In terms of ii) the works would serve a front bedroom in flat 1 and the sole window would be below ground level and he agreed with officers that to have a sole outlook onto the wall of a lightwell, with little natural light to the bedroom, would lead to a dark and gloomy living environment reliant on artificial lighting. He concluded this would be in conflict with UDP policies H5

and H14.

(v) An appeal against the failure to give notice within the prescribed period of a decision on an application for planning permission for the demolition of public house and erection of single/two-storey retail unit (Use Class A1) with associated parking accommodation, automated teller machine (ATM) and plant and equipment at Cherry Tree Inn 2 Carter Knowle Avenue Sheffield S11 9FU (Case No 16/02791/FUL) has been dismissed and planning permission refused.

Officer Comment:-

The Inspector considered the main issues to be :-

- i) The effect on the character and appearance of the area; and
- ii) Whether the Cherry Tree Inn is a valued community facility.

In terms of i) he noted the prominent position of the site at a road junction in a residential area and the positive contribution the building makes to the street scene. In contrast he felt the proposed store would turn its back on the street scene with blank gables and limited fenestration prominent in public views offering no variety, interest or natural surveillance of the street. He considered this to be poor design in conflict with UDP policies BE1 and BE5 and CS74 of the Core Strategy.

With regard to ii) he noted that a retail unit in the Local Shopping Centre would be acceptable in principle and would be readily accessible on foot. However he also noted the Cherry Tree Inn is centrally located within the residential area it serves and is in easy walking distance and although other pubs exist with 500m, due to the hilly nature of the area these are not within easy walking distance for all the community and are less likely to be used as a meeting place for the local community.

He attached significant weight to the Inn's designation as an Asset of Community Value following a formal process involving testimonials from patrons and a 1000 signature petition. He therefore concluded that whilst the development would produce a convenient local food store, it would result in the loss of a community facility of demonstrable value.

He considered the planning balance and stated that in the absence of development plan policy on the protection of pubs, paragraph 14 of the NPPF applies – a presumption in favour of sustainable development. The poor design would cause harm to the built environment, and socially the development would result in the loss of the community asset where people can meet and socialise and although the store would do this it would not be to the same degree. Economically the store would generate some short lived construction jobs, and both the shop and the pub provide employment. The store had the potential to reduce the need to travel for goods that the other shop in the centre does not provide. However he felt the design shortcomings and adverse social effects were of significant concern, and these adverse impacts would significantly outweigh the benefits when assessed against the

policies in the NPPF and would not present sustainable development.

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 advertisement consent for 9 non-illuminated vinyl graphics fixed between existing brickwork piers on the Archer Road elevation at ALDI 183 Archer Road Sheffield S8 0JX (Case No 17/01309/ADV) has been allowed with express consent being granted.

##### Officer Comment:-

The Inspector considered the main issue to be the effect of the adverts on the visual amenity of the host building and the surrounding area.

She noted the relationship of the building to the neighbouring petrol filling station and the building's large rendered white elevation on which the vinyl graphics were proposed to be sited. She considered the graphics would provide an element of colour to an otherwise dull elevation and concluded they would not harm visual amenity in a way that would be in conflict with UDP Policy BE13 and allowed the appeal.

#### 5.0 RECOMMENDATIONS

That the report be noted

Rob Murfin  
Chief Planning Officer

*3 October 2017*



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