



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 1 May 2018

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 MAY 2018

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 with integral double garage at Land To Rear And Side Of 29 Overcroft Rise Sheffield S17 4AX (Case No 17/04626/FUL)

(ii) 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 (Application under Section 73 to amend condition 2 (Approved plans) to allow revised position of front door and window, insertion of roof lantern into rear off-shot and use of white render to rear and gable ends of dwellinghouse) at Land Between 151 And 155 Freedom Road Sheffield S6 2XB (153 Freedom Road, S6 2XB) (Case No 16/02179/FULR)

(iii) 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 extension to roof to form additional living accommodation, including a hip roof to a gable and a rear dormer extension at 109 Hemper Lane Sheffield S8 7FB (Case No 17/02965/FUL)

(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for First-floor rear extension to dwellinghouse (Resubmission of 17/00215/FUL) at 71 Bradley Street Sheffield S10 1PA (Case No 17/04756/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for a two-storey front/side/rear extension to dwellinghouse at 70 Earl Marshal Road Sheffield S4 8LA (Case No 17/04524/FUL) has been dismissed.

Officer Comment:-

The main issues considered by the Inspector were:

The effect on the character and appearance of the area and

The effect on the living conditions of the adjoining residents especially in respect of privacy.

The Inspector was of the view that, when taken together, the two storey front, side and rear extensions would visually overwhelm the scale, proportions and mass of the host building. The proposals would also unduly disturb the balanced elevation of the existing building and would be obtrusive in the street scene.

With regard to the loss of privacy, the Inspector felt that obscure glazing to the first floor windows in the flank wall would overcome any overlooking problems for the residents of No.72. However, the rear elevated windows would allow significantly greater overlooking to No.68, seriously harming the neighbours enjoyment of their rear garden. The use of obscure glazing to these windows, which would provide the sole external outlook and source of natural light would make these rooms gloomy and uninviting and significantly harm the living conditions of residents

The proposal would conflict with Guidelines 2 and 6 of the Council's SPG "Designing House Extensions" and the NPPF which seeks to secure high quality design and a good standard of amenity for all occupants of land and buildings

For these reasons, the appeal was dismissed.

(ii) An appeal against the delegated decision of the Council to refuse advertisement consent for the replacement of non-illuminated vinyl sign with 1x internally illuminated 6-sheet sequential display unit at the telephone box adjacent to Sheffield Interchange Pond Street Sheffield S1 2BW (Case No 17/04116/HOARD) has been dismissed.

Officer Comment:- The Inspector considered the main issue to be the effect of the proposed advert on amenity. He noted that the existing advertising immediately around the site is surprisingly limited with just modest signage on and to the front of the Interchange. As it is the kiosk has an unassuming presence and advertising on the side of it would draw increased attention to it, especially after dark and particularly on approach from Pond Street, making it highly conspicuous. He concluded that it would appear overly dominant and visually intrusive.

The Inspector also referred to the Council's 'Knowledge Gateway' plans which will result in public realm improvements. The Inspector accepted that in this context the kiosk would become a prominent feature in the new streetscape and would be a highly noticeable feature and would detract from the aims of the regeneration proposals to improve the public realm in the area. He therefore dismissed the appeal.

(iii) An appeal against the delegated decision of the Council to refuse advertisement consent for the replacement of non-illuminated vinyl sign with 1x internally illuminated 6-sheet sequential display unit at the telephone box opposite Midland Station Sheaf Street Sheffield S1 2BP (Case No 17/04117/HOARD) has been dismissed.

Officer Comment:- The Inspector considered the main issue to be the effect of the proposed advert on amenity. He noted that the area around the kiosk has a spacious feel and that the kiosk is a noticeable feature in the streetscape in an area that has very few adverts. He considered that the new advert panel would be significant in size and prominently placed such that it would be highly conspicuous and unduly intrusive. This would be exacerbated by the fact that it would be illuminated. Whilst he did not consider that it would materially affect the setting of the listed station he did consider that the advertisement would cause significant harm to the visual amenity of the area. He therefore dismissed the appeal.

(iv) An appeal against the delegated decision of the Council to refuse advertisement consent for a digital advertising display board at Barrel Inn 123 London Road Sheffield S2 4LE (Case No 17/02485/ADV) has been dismissed.

Officer Comment:-

The Inspector considered that the main issue in this case is the effect of the proposed advert on the visual amenity of the area. He noted that the appeal site is a 3 storey late Victorian Pub retaining many original features which the Inspector considers to be important architectural features defining the character of the building and the wider area.

The advert would be attached to the side elevation of the building and obscure the plaster moulding. It would be highly visible on approach and would be dominant due to its scale, location and illumination. The Inspector therefore concluded that it would be incongruous in the street scene and adversely affect the character of the host building by obscuring architectural features. He deemed it contrary to Policy BE13 of the UDP and dismissed the appeal.

(v) An appeal against the delegated decision of the Council to refuse advertisement consent for the replacement of non-illuminated vinyl sign with 1x internally illuminated 6-sheet sequential display unit at the telephone box adjacent to Sheffield Hallam University Arundel Gate Sheffield S1 2PN (Case No 17/04109/HOARD) has been dismissed.

Officer Comment:- The Inspector considered the main issue to be the effect of the proposed advert on amenity. He noted that existing signage in the vicinity is very restrained for a prime city centre location with an absence of any significant adverts. He felt that the proposal would be in stark contrast to this and would stand alone such that its impact would be considerable and appear incongruous in the context. The illumination of the unit would also

draw attention to it in the dark and would further exacerbate its impact.

For these reasons the Inspector concluded that the advert would be highly obtrusive and an unwelcome addition, causing significant harm to the visual amenity of the area. He therefore dismissed the appeal.

(vi) An appeal against the decision on the Council at its meeting on the 22 November 2016 to refuse with enforcement action planning consent for the alterations and retention of use of a former barn as a dwellinghouse (retrospective application) at White Acres Farm Spout Lane Sheffield S6 6EF (Case No 15/04365/CHU) has been dismissed.

Officer Comment:-

In this appeal, the Inspector considered the main issues to be,

whether it was inappropriate development in the Green Belt, the effect on the openness of the Green Belt, the effect on the character and appearance of the area, whether the development resulted in an isolated new home in the countryside, if it would be intentional unauthorised development in the Green Belt, and if inappropriate, would there be very special circumstances to justify it.

The development was considered to be a new building and in the circumstances, in conflict with policies GE1, GE3 and GE9 within the Unitary Development Plan and paragraphs 87 and 88 of the NPPF and so to be inappropriate development in the Green Belt.

The Inspector was satisfied that the new building did not have a greater impact on openness than the building it replaced but it does represent a degree of limited encroachment into the countryside adding some limited weight to the substantial weight caused by it being inappropriate.

The addition of a residential use and the replacement of a rural building with a domestic bungalow was considered to have some limited detrimental effect on the character and appearance of the area and this added further limited weight to the harm already found.

because of the nature of the road and the topography of the area, occupants of the dwelling would probably rely on the car for accessing local services and facilities but it cannot be considered as isolated or remote so no additional harm was found on this issue.

The development was intentional and so limited weight was given to this matter

The applicant considered that the lack of a 5 year housing supply and the absence of other harm amounted to "very special circumstances". The Inspector concluded that the absence of other harm was not a positive factor and that he had identified additional harm as mentioned previously. The personal circumstances of the applicant were not considered to outweigh the

harm by reason of inappropriateness and the other harm referred to. The shortfall in the 5 year housing supply and the limited contribution the dwelling would make were , similarly not sufficient to outweigh the harm so “very special circumstances” were not found to exist.

Accordingly, the appeal was dismissed.

(vii) An appeal against the delegated decision of the Council to refuse planning consent for the erection of a porch to front of a dwellinghouse at 3 Bannerdale Close Sheffield S11 9FH (Case No 17/03152/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issue as being the impact of the development on the character and appearance of the building and the surrounding area.

He noted the building had the appearance of a pair of semi-detached houses though functioned as flats and that the proposed porch would be in an elevated position on an existing concrete platform accessed via steps.

He noted also the presence of side porches on neighbouring properties that had little impact on the street scene. Two exceptions exist at no's 1 and 9 Bannerdale Close. He considered the porch at no.1 had a wide visual impact on the street scene.

He considered that given the absence of front facing porches on principal elevations of properties facing Bannerdale Close, the and the prominent elevated position, the porch would have a significant adverse impact on the character and appearance of the building and the wider street scene.

He did not consider the presence of other porches in the wider area to be justification for inappropriate development.

He therefore dismissed the appeal.

(viii) An appeal against the delegated decision of the Council to refuse advertisement consent for the display of 1x internally illuminated 6-sheet sequential display unit on telephone kiosk at the telephone box fronting 129 Pinstone Street Sheffield S1 2HL (Case No 17/04108/HOARD)

Officer Comment:- The Inspector considered the main issue to be the effect of the proposed advert on amenity. The site is within the City Centre Conservation Area and the Inspector noted there is already a digital display and a bus shelter advertisement in close proximity. The proposed advert would be the third such display and would result in conspicuous and repetitive features giving rise to an excessive advert display, particularly at night when illuminated.

The Inspector concluded that the advert would result in visual clutter and

excess signage in the Conservation Area, would cause significant harm, detract from and fail to preserve the appearance of the Conservation Area. He therefore dismissed the appeal.

(ix) An appeal against the delegated decision of the Council to refuse planning consent for demolition of existing dwellinghouse and erection of a dwellinghouse (Amended Plans Received 24th August 2017) at 11 Harewood Way Sheffield S11 9QR (Case No 17/01996/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issues as being the effect of the development on the character of the area and upon the living conditions (outlook and sunlight) of the occupiers of 1 Woburn Place.

He noted the new dwelling would be substantially larger than the existing relatively large dwelling at the head of the cul de sac. He also noted the Council's main concern related to the effect of a proposed two storey projection.

He agreed with officers that the two storey projection would have an awkward relationship with no.1 Woburn Place and would cut across the front garden of no.11 by a considerable degree resulting in an unduly prominent and discordant feature, dominant within the cul de sac and at odds with the typical footprint of dwellings in the area.

The Inspector concluded that the overall scale, width, proximity and bulk of the development would have a significant negative impact on outlook from the ground floor windows of no.1 Woburn Place. He was less convinced that there would be an unacceptable loss of sunlight, though some loss was inevitable.

He therefore dismissed the appeal owing to conflict with para 17 of the NPPF.

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 to remove the condition that no residential accommodation shall be provided on the site without prior approval of the Local at White Acres Farm Spout Lane Sheffield S6 6EF (Case No 16/04457/FUL) has been allowed and planning permission is granted subject to conditions in the terms set out in the decision.

Officer Comment:-

This appeal was considered in conjunction with those detailed elsewhere in this report.

It was accepted that planning permission would be required to provide living accommodation on site regardless of the condition and so the condition could be removed.

5.0 APPEAL – ENFORCEMENT NOTICE

(i) To report that an appeal against a Enforcement Notice served in respect of the breach of planning control as alleged in the notice is without planning permission, the unauthorised alterations to the Barn and material change of use of the Barn to form a dwellinghouse for residential use at White Acres Farm Spout Lane Sheffield S6 6EF (Enforcement Notice No RC/078455) has been dismissed and the notice is upheld with corrections and variations.

Officer Comment:-

The appeal was made on four grounds

Ground (c) (That there has not been a breach of Planning control)

Ground (d) (That it was too late to take enforcement action, being over 4 years from completion)

Ground (f) (The requirements of the enforcement notice were excessive), and

Ground (g) (That the time to carry out the work required by the notice was insufficient)

Ground (c)

The Inspector agreed that the works to the barn constituted the partial demolition of the barn and the creation of a new residential dwelling through specified works. These works were material and planning permission was required for them; they did not constitute works of maintenance or repair. As such the appeal on failed Ground (d)

After hearing the evidence, the Inspector concluded that the appellant had not proven that the works had been substantially complete by 6 January 2013 and so the appeal on this ground failed.

Ground (f)

The appellant did not pursue this ground and so this failed.

Ground (g)

All parties agreed that, in the circumstances, the 6 month timescale for compliance was insufficient so the notice was varied to allow 18 months for compliance.

Subject to the variation in the notice under Ground (g), the appeal against the Enforcement Notice was dismissed.

6.0 RECOMMENDATIONS

That the report be noted

Rob Murfin
Chief Planning Officer

1 May 2018