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Case Number	18/01806/FUL (Formerly PP-06964368)
Application Type	Full Planning Application
Proposal	Erection of single-storey rear extension to dental practice (amended plans published 13.07.18)
Location	P M Rushworth Dental Practice 99 High Street Mosborough Sheffield S20 5AF
Date Received	10/05/2018
Team	City Centre and East
Applicant/Agent	Mr G Garfitt
Recommendation	Grant Conditionally

## **Time limit for Commencement of Development**

1. The development shall be begun not later than the expiration of three years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

## **Approved/Refused Plan(s)**

2. The development must be carried out in complete accordance with the following approved documents:

Drawing numbers;

2018-01 (location plan) published 10.05.18  
2018-05c (proposed ground floor plan) published 17.07.18  
2018-06c (proposed site plan) published 17.07.18  
2018-07b (proposed front and side elevation) published 13.07.18  
2018-08b (proposed rear and side elevation) published 13.07.18  
2018-09b (proposed rear and side elevation) published 13.07.18  
2018-10c (proposed front and side elevation) published 17.07.18  
2018-11c (proposed first floor plan) published 17.07.18

Reason: In order to define the permission.

**Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)**

**Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)**

**Other Compliance Conditions**

3. The proposed facing materials shall match the facing materials to the existing building.

Reason: In the interests of the visual amenities of the locality.

4. The windows on the elevation of the extension facing no. 97 High Street shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of the window shall at any time be glazed with clear glass.

Reason: In the interests of the amenities of occupiers of adjoining property.

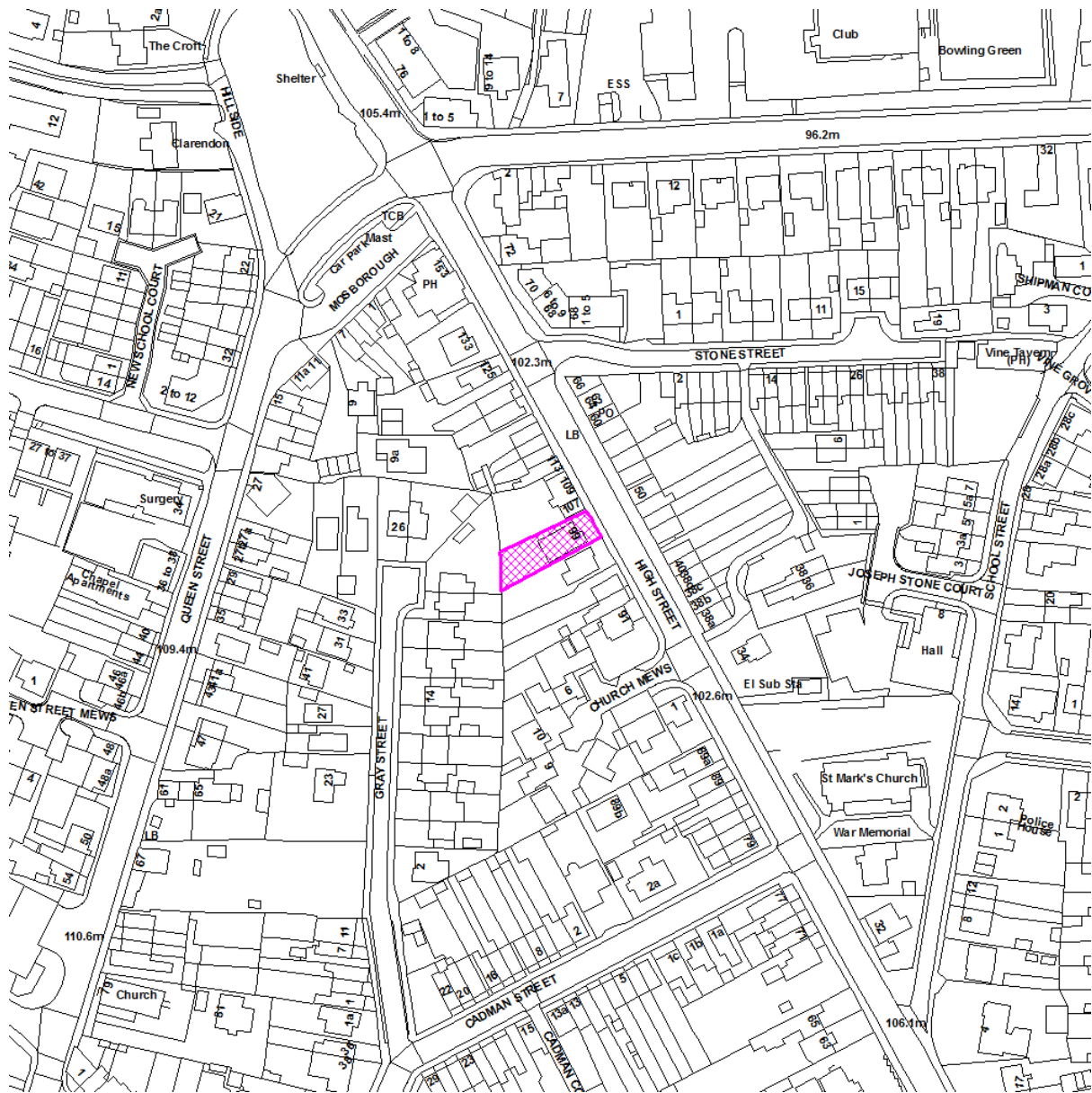
5. The extension shall not be used unless the 2m screen fencing, as shown on the approved plans, has been provided in accordance with those plans and thereafter retained.

Reason: In the interests of the amenities of occupiers of adjoining property.

**Attention is Drawn to the Following Directives:**

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.

# Site Location



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## LOCATION AND PROPOSAL

The application relates to a dental practice on High Street, Mosborough, which seeks permission for the erection of a single-storey rear extension.

The extension would provide two ground floor surgeries (one net additional surgery to provide five within the practice in total) with improved wheelchair accessibility for patients.

## RELEVANT PLANNING HISTORY

77/00650/FUL - 99 High Street, Mosborough - Use of Dwellinghouse as a Dental Surgery – Granted conditionally 11.05.1977

04/04738/FUL - Single-storey rear extension, erection of front porch and construction of access ramp for disabled persons – Granted conditionally 18.01.2005

## SUMMARY OF REPRESENTATIONS

7 letters of objection were received from the occupiers of a number of neighbouring properties, Councillor Tony Downing and Clive Betts MP. In summary the following concerns were raised:

- The size, height and massing would have an overbearing impact on adjacent properties and detrimental effect on outlook from adjacent gardens
- Overdevelopment of the plot, out of proportion with little garden retained in this residential area
- Flat roof design and scale out of character with the building and adjacent dwellings, adverse effect on the visual amenity of the area
- It will set a precedent leading to further detrimental impact on the residential area
- Height not clearly defined on plans
- Restrictions should have been placed on the change of use 20 years ago
- Reconfiguration and clever use of existing space required
- No. 18 have a legal agreement to use the garden of the dentists
- Overlooking and loss of privacy
- Window and door to the rear close to the boundary with no. 22
- Impact on enjoyment of neighbouring houses and gardens, including smoking area
- Retaining wall required to the boundary with no. 97
- It will bring more traffic into an already congested area with only 2 parking spaces
- The size would allow for an escalation of the business and would require a change of use
- Expansion would bring extra traffic and footfall into an area which is still residential

Due to concerns regarding potential overbearing impacts, amended plans were submitted to reduce the overall footprint of the extension and neighbours were re-notified. Following this, 4 letters of objection were received (nos. 18 and 22 Gray

Street and nos. 97 and 107 High Street). In summary the following concerns were raised:

- Previous objections still valid
- Remains inappropriate size and type of extension in a primarily residential area.
- Still almost completely encloses no. 107's southern boundary leading to unreasonable overbearing and overshadowing
- Detrimental effect on outlook
- The retaining wall needs to extend the full length of the proposed extension to prevent hedge/bank from collapsing
- Excessive addition to original footprint providing a significantly longer extension than residential permitted development
- The layout appears to have a disproportionate amount of ancillary space and it is prudent to review the existing use of space and redesign accordingly
- Should permission be granted planning conditions should be attached as follows:
  - (a) No building work at weekends and outside the hours of 9am to 5pm weekdays
  - (b) Business operations limited 8am to 6.30pm Monday to Friday
  - (c) No weekend working under any circumstances

## PLANNING ASSESSMENT

### Principle of development

The site lies within a Housing Area, as designated by the Unitary Development Plan (UDP), where Policy H10 identifies D1 uses (non-residential institutions) as acceptable in principle, subject to the considerations listed in UDP Policy H14.

The site is located opposite the terraced shops on the eastern side of Mosborough High Street, which are within a designated Local Shopping Centre. It is therefore noted that the dental practice supports the function of the shopping area, and provides an important local service. The expansion of the dental practice would have wider community benefits.

This accords with the National Planning Policy Framework (NPPF revised 2018) paragraph 8(b) which supports accessible services that reflect current and future needs for communities' health and wellbeing.

### Design

The dental practice is located within a two-storey detached building, which was constructed (c1970s) as one of a pair of infill dwellings (nos. 97 and 99) between the older terraced houses along the western side of High Street. No. 97 has since been converted into a physiotherapy clinic.

The proposed single-storey extension would be of flat roof construction, projecting approx. 5.8m beyond the existing single-storey extension of approx. 4.6m. This would result in a total projection of approx. 10.4m beyond the original rear elevation.

It is noted that the extension would have a substantial footprint and a flat roof design is not ideal. However, the extension would not be visible in the street scene, and would not significantly impact upon public visual amenity.

Although the extension would be visible to the rear from surrounding private neighbouring gardens, only limited weight can be attributed to design considerations where there is no public impact. For example, permitted development rights would allow for various types of extension to the rear of a dwellinghouse with no stipulation on roof form. Therefore it is not considered that the proposal would warrant refusal purely on design grounds.

The impact more specifically on the scale of the extension and the impact on outlook and neighbouring amenity is considered below. However, it is not considered that the proposal conflicts with the aims of UDP Policies BE5 and H14(a), and Core Strategy Policy CS74 and is acceptable from a design perspective.

#### Neighbouring amenity

The proposed footprint of the extension has been reduced in projection and width to bring the massing away from neighbouring boundaries.

The impact of the amended scheme on each neighbour is considered in turn:

#### 97 High Street

The adjacent property at no. 97 (physiotherapy clinic) is detached from the subject property with approx. 2m separation between the buildings. Permission was granted in 2007 for the clinic to also occupy the first floor residential flat above.

The proposed extension would project approx. 7m beyond the rear elevation of no. 97, stepping in by approx. 1.4m and projecting a further 3.3m. It is accepted that this would represent a significant projection beyond the rear of this neighbour and present a mass of brickwork to the boundary with no. 97.

However, the rear gardens of nos. 97 and 99 slope uphill to the rear, and the proposal would involve excavations of approx. 0.5m to allow the extension to be built into the land and remain at existing floor level. The massing of the extension is therefore kept to a minimum at its furthest extent by the increased land level as viewed from no. 97, and the overall level of separation and set back, and the flat roof design.

Given no. 97 is no longer in use as a residential dwellinghouse, the outlook from the outdoor amenity space associated with a clinic (with or without a flat above) would not warrant the same level of protection as the rear garden associated with a detached family dwellinghouse. Overall, given the above arrangements, it is not considered that the proposal would unreasonably reduce the outlook, overbear or reduce daylight below acceptable levels for the clinic.

Windows to the side facing no. 97 would be obscure glazed, ensuring no privacy issues for this neighbour.

#### 107 High Street

The adjacent end-terrace dwellinghouse at no. 107 is disadvantaged by being at a lower land level and being well set back behind the rear elevation of the subject property.

The proposed extension would project a further 5.8m beyond this neighbour. However, the extension would be stepped in approx. 3.2m away from the boundary with no. 107 at its nearest point. This would prevent any immediate overbearing impacts the structure would have on the amenity space of no. 170. The reduction in width and projection would ensure the proposal would not completely enclose this neighbour's boundary.

Although no. 107 is already at a lower land level than the subject site, the proposed excavation and construction into the slope would reduce the visible massing of the extension at its furthest point, as seen from this neighbour's side. The removal of the pitched roof over the existing portion of the rear extension in favour of a flat roof over the whole proposal would reduce the height of the existing structure at this particular point.

By way of comparison, should a 2m fence (which would not require planning permission) be erected on the existing sloping land level along the boundary with no. 107, this would almost completely screen the proposed extension and create a more immediate sense of overbearing than would be created by the proposed extension. Given this fall-back position, it is not considered that there are significant grounds for refusal on this basis.

Overall, it is not considered that the extension would unreasonably overbear or reduce daylight to this neighbouring plot below acceptable levels.

A condition would require the proposed fencing to be erected at the proposed lower excavated level to provide some screening to no. 107's garden from the circulation space.

This would also assist in preventing any privacy issues from the proposed side window and door, however, given the set back from the boundary and its positioning towards only the end of no. 107's rear garden, this window/door would not represent an unacceptable reduction in privacy levels.

#### 18-22 Gray Street

The neighbouring dwellings to the rear are well separated from the proposed rear extension's rear elevation, which would be approx. 4-5m from the rear boundary. The rear elevation of no. 22 would be approx. 10m away from the extension, and these properties are angled slightly away from each other. The properties on Gray Street are also at a higher land level.

It is not considered that the proposal for a single-storey extension would overbear or unreasonably reduce daylight or outlook for these neighbours. The separation, level difference and substantial boundary treatment of fencing and mature trees would ensure the rear windows would not reduce privacy of these neighbour's properties below acceptable levels.

#### General amenities

While it is accepted that the proposed extension is large, some rear garden space would remain, in character with the residential area as viewed from other neighbouring gardens. It has been demonstrated that the proposal would not unreasonably deprive neighbouring residents of light, privacy or security. It therefore cannot be concluded that the proposal would represent overdevelopment of the plot that would threaten the residential character of the wider area. The proposal is therefore considered to accord with Policy H14(c), (i) and (l).

It is noted that there were no planning controls placed on the hours of operation of the existing practice when this was agreed in 1977. The agent has confirmed the operating hours as 0845-1745 Monday to Thursday, 0845-1700 Friday, closed weekends, and while there is no planning control in place, these would remain the hours.

Given the application is only for an extension, it is not possible to restrict hours of the whole existing practice. However, it is not considered that the operation of a dental practice would create unreasonable disturbance through noise, odour or other nuisance. The typical hours of operation or increased number of visits associated with the provision of the additional surgery are not considered to raise unacceptable disturbance for neighbours that would justify conditioned controls. Overall the application accords with Policy H14(k).

It is not considered necessary to condition hours of building work as these are already controlled outside of the planning process by the Council's Environmental Protection Service.

#### Highways

The addition of an extra dental surgery (from 4 to 5) would likely increase staff and visitor levels, and their associated parking requirements. It is accepted that there is only a limited amount of on-site parking to the front of the site (approx. 2-3 spaces). On street parking bays are available opposite alongside the shops, but parking is limited on High Street due to the wider parking restrictions.

However, the site is in an accessible location adjacent to the Local Shopping Centre and in close proximity to bus routes. The site is also accessible on foot from the wider residential area, which would form the practice's principal catchment. The parking restrictions along High Street ensure the safe flow of traffic in the immediate vicinity.

It is therefore not considered that the provision of one extra surgery on site could be considered likely to lead to excessive additional parking and highway safety issues,



over and above the existing situation, that would warrant refusal. The proposal is therefore not considered to conflict with the aims of Policy H14(d) and (k) and does not represent a severe impact, which is the test advocated in the National Planning Policy Framework.

## RESPONSE TO REPRESENTATIONS

Issues regarding design, scale, overbearing, overshadowing, privacy and parking have been addressed above. The remaining concerns raised are addressed below:

- The proposal would not set a precedent for further extensions in the area as each case would be assessed on its own merits.
- The height of the extension was clearly defined on the plans.
- Any agreements between no. 18 and the use of the subject site's garden would be a civil matter between the two parties.
- The plans indicate a retaining wall to the boundary with no. 97. Such low level structures would generally not require planning permission and the retention of the neighbour's boundary would be a civil matter.
- Regardless of the increase in size, the use would remain within the D1 use class (non-residential institutions).
- While the extension is significantly beyond what would be achievable under residential permitted development, the impact on neighbouring amenity has been demonstrated as acceptable and the proposal would provide wider community benefits which must be weighed in the overall balance.
- The proposal is to provide wheelchair accessible dental surgeries at ground floor level, and therefore corridors are wider than standard to meet the appropriate building regulations. Therefore it is not considered that there is an excessive amount of amenity space included.
- As the scale of the extension has been demonstrated to be acceptable in terms of its impact on neighbouring amenity there are no grounds to require that further reconfiguration of existing space is reviewed.

## SUMMARY AND RECOMMENDATION

The proposed extension is acceptable in principle in the Housing Area, and would provide improved access to dental services in the area, having some community benefit.

While it is accepted that the extension is large, the impact on the amenities of neighbours has been demonstrated to be acceptable. It is therefore not considered that the proposal represents overdevelopment of the plot.

It is not considered that the proposal for one additional surgery could be demonstrated in itself to lead to such serious parking and traffic hazards that would warrant refusal.

The flat roof design would not be visible from the street scene and would not unduly impact on the character of the wider area.

It is therefore recommended that the application is granted subject to the listed conditions.