



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of City Growth Department

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**Date:** 25 June 2019

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

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**Author of Report:** Marie Robinson 0114 2734218

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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  
25 JUNE 2019

### 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 5 terraced dwellinghouses at land to rear Of 32-38 Greenhill Main Road Sheffield S8 7RD (17/05025/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 change of use of ground floor from residential (Use Class C3) to retail (Use Class A1), and provision of new shop front (Amended description and amended plans received 24th September 2018) at curtilage of 120 Bushey Wood Road Sheffield S17 3QD (18/01553/FUL)

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for partial demolition of existing house, and erection of a new dwellinghouse (Amended Description) at 104 Page Hall Road Sheffield S4 8GW (18/01688/FUL)

### 3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeals against the non-determination of applications for planning permission (Case no. 17/01969/FUL) and listed building consent (Case no. 17/04014/LBC) for the extension to apartment block to form a dwellinghouse at Manor Lodge Primary School Manor Lane Sheffield S2 1TR have been dismissed.

Officer Comment:-

The Inspector identified the main issues as being:-

- a) the effect of the proposal on the special interest of the former Manor Lodge Primary School, a Grade 2 Listed Building; and
- b) the effect of the proposal on the living conditions of neighbouring residents, with particular regard to light and outlook.

In respect of a) the Inspector noted the significant historic interest of the former school as being amongst the earliest in the country to be built after the 1870 Education Act. She also noted its architectural interest and its commanding presence in the street scene.

She noted the extension would be subservient to the main building but shared the Council's concern that the design has a bland, modern appearance, with a tenuous visual relationship to the school building and did not adequately respond to the high architectural qualities of the listed building. In addition its position would harm the setting of the listed building by encroaching on the openness that surrounds the school.

She concluded therefore that the works would conflict with the statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the setting of the Listed Building, as well as local policies (BE15, BE19 of the UDP and CS74 of the Core Strategy).

She considered the harm to be 'less than substantial' within the meaning of para 195 of the NPPF. The public benefits (adding a house to the supply of housing in the area, and making efficient use of the land) were not sufficient in her view to outweigh the harm to the heritage asset and the scheme therefore conflicts with the aims of paras 193-196 of the NPPF.

For b) she noted a number of windows, albeit secondary windows on the side elevations of the school building that provide light to the apartments therein. Although secondary windows, she considered the proximity of the proposed development would result in a harmful reduction of light to the adjacent dwellings, and outlook from them in conflict with policy H14 of the UDP.

For the above reasons the Inspector concluded the scheme was unacceptable and dismissed both appeals.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning consent for the erection of 2 dwellings with integral garages at land between No 89 and Junction with Long Lane Cockshutts Lane Sheffield S35 0FX (Case No 18/03116/OUT) has been dismissed.

Officer Comment:-

The Inspector noted that whilst the application was in outline form with all matters reserved, the description indicates single storey properties and he had regard to this in his determination.

He identified the main issues as being:-

- a) Whether the development was inappropriate development in the Green Belt;
- b) Its effect on the openness of the Green Belt; and

c) If inappropriate whether any very special circumstances exist to outweigh the harm, which by definition would be caused.

In terms of a) the appellant considered the proposal represented the 'limited infilling' that the NPPF identifies as an exception to the listed inappropriate development. However the Inspector felt that due to the location and size of the site, as well as it being outside the designated Housing area, it did not constitute a small gap or limited infilling in the context of policy GE5 of the Unitary Development Plan or the NPPF.

He therefore felt it represented inappropriate development within the Green Belt, and gave this substantial weight in accordance with the NPPF.

For b) he noted that the dwellings would be set back from the highway and would be partially screened by existing vegetation. However, vantage points were available and level changes were such that it would have visual impact on the openness of the Green Belt. He concluded this would harm the openness of the Green Belt.

In terms of c) the proposals offered two new dwellings that would be accessible to shops and services and contribute to housing supply. However, whilst beneficial, the scale of the benefits would be limited.

In summary, he did not consider the limited contribution to the Council's 5 year housing supply and adding to the built character of development in the area outweighed the substantial harm to the Green Belt and dismissed the appeal.

(iii) To report that an appeal against the delegated decision of the Council to refuse approval of detail reserved by condition consent for the application to approve details in relation to condition number(s): 4 (Remediation), 5 (Tree Protection), 6 (Construction Works), 7 (Dilapidation Survey), 8 (Materials, Landscaping, Illuminations and Long/Cross Sections), 9 (Surfacing - Individual and Private Drives), 11 (Footway Reconstruction), 12 (Surface Water Spillage), 13 (Travel Plan) , 14 (Surface Water Drainage - Disposal), 15 (Phasing Strategy), 16 (Landscape Management Plan) & 17 (Surface Water Drainage Scheme) as imposed by planning permission 16/03083/FUL at land south of Monteney Road and east of Morrall Road Sheffield S5 9AJ (Case No 16/03083/COND1) has been dismissed.

Officer Comment:-

The only elements of this application that was refused were related to conditions 8 and 9. These concern amongst other matters the surfacing materials for the driveways of the 79 properties within the development.

The Inspector identified the main issue therefore as being whether the details were acceptable in terms of highway safety and pedestrian/vehicular access arrangements.

The developer's proposal was for a bitumen apron with rolled and compacted aggregate on a cement dusted stone sub base. The developer acknowledged the potential for displacement of aggregate by requiring homeowners to maintain their driveways, including raking the aggregate and brushing back stones from the highway. The Inspector considered it unlikely that all homeowners would do so and that material would clearly spill onto the highway and be left unattended.

Such an uneven surface would affect cyclists and lead to pedestrians, including infirm, elderly and disabled, to lose their footing. The Inspector felt this would be exacerbated in inclement weather and he concluded this would cause harm to highway safety.

He did not accept the appellant's point that Local Plan policy does not presume against such surfaces, and acknowledged the South Yorkshire Residential Design Guide states that drives should be surfaced with bound material to prevent the deposition of loose material on the highway. Whilst this is not formally adopted by the Council, he gave it some limited weight.

The appellant had also argued their approach would offer a sustainable urban drainage solution, however whilst the Inspector acknowledged this he did not feel that outweighed the highway safety concerns, particularly given the wider drainage sustainability requirements of the development.

He considered the proposals to be contrary to the aims of policies BE5 and H14 of the Unitary Development Plan and dismissed the appeal.

#### 4.0 APPEALS DECISIONS – ALLOWED

Nothing to report.

#### 5.0 ENFORCEMENT APPEALS

Nothing to report

#### 6.0 RECOMMENDATIONS

That the report be noted.

Colin Walker  
Interim Head of Planning

*25 June 2019*

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