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Case Number	19/00167/FUL (Formerly PP-07555371)
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse
Location	Land To The Rear Of 12 Worrall Drive Sheffield S35 0AT
Date Received	17/01/2019
Team	West and North
Applicant/Agent	Burnell Briercliffe Architects
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 P.02 Proposed Site Plan  
Drawing P.03 Rev A Proposed Plans and Sections  
Drawing E.01 Rev A Proposed Elevations  
Drawing E.02 Rev A Proposed Street Elevation to Mowson Lane

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)

3. Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development.

4. The dwellinghouse shall not be used unless the car parking accommodation for the development as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

5. The dwellinghouse shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the dwellinghouse commencing, and shall thereafter be retained.

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

6. Notwithstanding the submitted plans, the dwellinghouse shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority showing a reduced height boundary wall to the immediate east of the driveway, thereby creating intervisibility between pedestrians using the public footpath and vehicles leaving the drive. The boundary wall shall have been provided in accordance with the aforementioned approved details prior to occupation.

Reason: In the interests of pedestrian safety.

7. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing, crossing the existing grassed public footpath leading to the driveway, including full details of gates to the driveway shall have been submitted to and approved in writing by the Local Planning Authority. The dwellinghouse shall not be used unless the surfacing has been provided in accordance with the approved plans and thereafter such surfacing shall be retained.

Reason: To ensure satisfactory parking provision in the interests of pedestrian safety and the amenities of the locality.

8. The development shall not be used unless a screen wall as shown on the plans has been erected in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such boundary treatment shall be retained.

Reason: In the interests of the amenities of the locality and occupiers of the proposed dwelling it is essential for these works to have been carried out before the use commences.

#### Other Compliance Conditions

9. The gradient of shared pedestrian/vehicular access shall not exceed 1:12 .

Reason: In the interests of the safety of road users.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking and re-enacting the order) no windows or other openings shall be formed in the side or rear elevation(s) facing north towards Worrall Drive or west to No 13 Mowson Lane of the dwellinghouse hereby permitted without the prior written approval of the Local Planning Authority.

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

11. The first floor windows on the elevation of the dwellinghouse facing north towards Worrall Drive 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.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwelling shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage.

13. The dwelling shall not be occupied unless the hard surfaced areas of the site are constructed of permeable/porous surfacing material and sub base. Thereafter the approved permeable/porous surfacing material and sub base shall be retained.

Reason: In order to control surface water run off from the site and mitigate against the risk of flooding.

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. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677

Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

3. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk)

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

4. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.
5. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

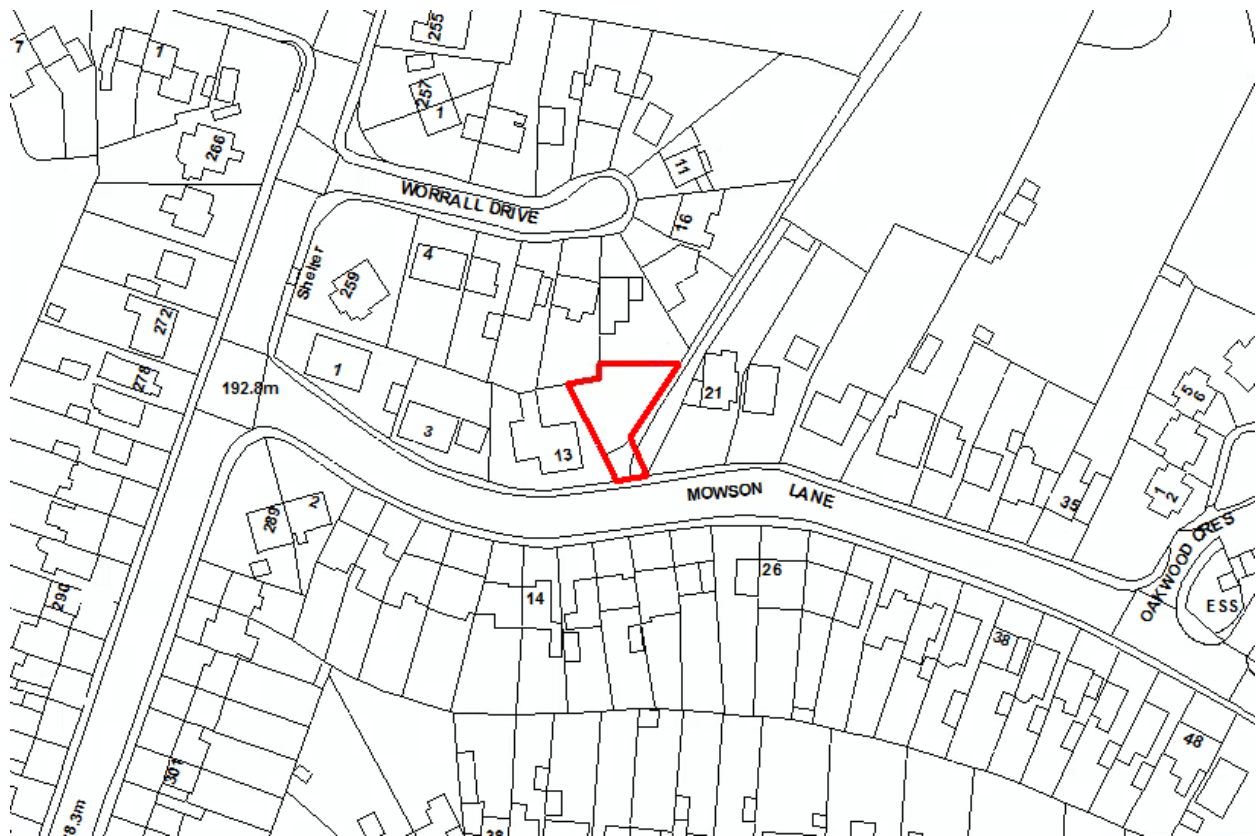
This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. You should apply for

permission, quoting your planning permission reference number, by contacting:

Ms D Jones  
Highways Development Management  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6136  
Email: [dawn.jones@sheffield.gov.uk](mailto:dawn.jones@sheffield.gov.uk)

## Site Location



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## LOCATION AND PROPOSAL

The application relates to a parcel of land to the rear of 12 Worrall Drive that backs onto Mowson Lane. The site is currently used as a garden to No.12 Worrall Drive. A public footpath runs along the eastern boundary and the site is between two dwellings on Mowson Lane.

Planning permission is sought for the erection of a detached dwelling house on the site. This would be in the form of a 3 bedroomed dwelling house with living accommodation in the roof. The property would be accessed from Mowson Lane with an integral garage and drive. To the side and rear of the property a garden area is proposed.

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area.

## RELEVANT PLANNING HISTORY

Planning permission was refused for the erection of a bungalow by application 82/01335/FUL (formerly 82/2498P)

A further application for a bungalow and garage was refused by application 88/01664/FUL (formerly 88/1019P)

The applications were refused as it was considered that the proposal would represent an overdevelopment of the site, resulting in a property with little in the way of garden space which would be detrimental to local amenity.

It was also considered that the development would be hazardous to pedestrian and highway safety, due to poor visibility to the west.

## SUMMARY OF REPRESENTATIONS

Bradfield Parish Council have objected to the proposal as they feel it is inappropriate development.

An objection has also been received from the Worrall Environmental Group. This raises the following concerns:

- The application would appear to land grab a section of a public footpath.
- The access would entail a metaled surface being put over a public footpath to obtain vehicular access.
- Vehicles passing over a public footpath and the pavement of Mowson Lane would create Health and Safety issues to any pedestrians.

In addition 12 representations have been received from the occupiers of neighbouring properties. These raise the following issues:

- The development could obstruct the public footpath and it is not clear how this will remain unobstructed should development go ahead.
- The footpath is used by walkers and on occasion schoolchildren to walk safely from Bradfield School through to Manchester Road thus avoiding the walk down Stockarth where there are no pavements. It is important that public safety is considered.
- The development would be out of character with the area and would spoil the current street scene, altering the current open aspect.
- The development would be 'garden grabbing' and the proposed dwelling is inappropriate for the site.
- The development would have an adverse effect on the residential amenity of properties adjacent to the proposed dwelling.
- The plot is inadequate in size, shape and position to accommodate a four bedroom detached dwelling house with integral garage.
- Visibility onto Mowson Lane will be limited.

- Windows in the proposed dwelling would overlook neighbouring property.
- A 1.8m brick wall around the property is proposed. This would be totally overbearing and would be detrimental to the enjoyment of neighbouring gardens as well as users of the public footpath.
- The property would be within 13-14m of neighbouring dwellings and so would be overbearing and would prevent occupiers of neighbouring property from extending their dwellings in the future.
- Building works and the proposed new dwelling could place extra strain on the existing drainage system which has in the past suffered from blockages.
- Both the existing house at 12 and the proposed development are family houses and should have adequate and appropriate outdoor space. The proposed development would result in both dwellings lacking in amenity space.
- The development would result in the loss of ecological habitat as a garden pond would be removed.
- The proposed dry stone wall along the edge of the footpath could prove to be unstable and a hazard for people using the footpath.
- The development would be in breach of the Human Rights Act Article 8 (Right to respect for private and family life, home and correspondence).

The following non-planning considerations were also raised:-

- Given the proximity of the proposed dwelling to the boundary, it is possible that access would be required for the erection of scaffolding etc in order to complete the work. This may not be forthcoming.
- No 13 has enjoyed uninterrupted views since the 1860s; any loss of the right to its enjoyment of those views would have a substantial adverse impact on its residential amenity.

## PLANNING ASSESSMENT

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area. Within such areas UDP Policy H10 sets out that housing is the preferred use.

UDP Policy H14 'Conditions on Development in Housing Areas' is also applicable. Policy H14 states that new development and extensions will only be permitted where



they are well designed and in scale and character with neighbouring buildings, where the site would not be overdeveloped or deprive residents of light, privacy or security or cause serious loss of existing garden space which would harm the character of the neighbourhood, and it would provide safe access to the highway network and appropriate off street parking.

Policy H14 is supplemented by an adopted SPG on Designing House Extensions. Although written for house extensions the guidance given is still considered relevant for new dwellings. This document provides more detailed guidance on matters such as design, overbearing and overshadowing impacts as well as privacy.

Core Strategy Policy CS24 is also relevant. This policy states that priority will be given to the development of previously developed sites and no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/05 and 2025/26.

The Strategic Housing Land Assessment Interim Position Paper 2017 indicates that approximately 5% of gross dwelling completions since 2004/5 have been on greenfield sites. Although the site is classed as being greenfield it is within a relatively sustainable location, close to public transport links and local services and is surrounded by residential properties. The erection of a single dwelling on this site would assist in meeting the Council's targets for the delivery of new housing and complies with Core Strategy Policy CS24.

Sheffield is in the process of updating its 5-year housing land supply position, however given the changed assessment regime identified in the revised NPPF (2018, as updated in 2019) and associated Practice Guidance, further detailed work is required. We will therefore be undertaking additional work, including engagement with stakeholders, to reflect the requirements of national policy and guidance before publishing our conclusions in a monitoring report later this year. At the current time, the Council cannot therefore demonstrate a five year supply. The Council's most recent assessment of supply, contained in the SHLAA Interim Position Paper (2017), showed a 4.5 year supply of sites.

This development would make a small contribution to the supply of housing within the city.

Policy CS26 of the Core Strategy relates to the efficient use of housing land. In parts of the urban area that are not near Supertram stops or close to high frequency bus routes such as here, it details that the density should be in the order of 30-50 dwellings per hectare. The policy does stipulate however that the density of new developments should be in keeping with the character of the area.

The proposal seeks to erect a single dwelling on a piece of land with an area of approximately 300sqm. The development would have a density of approximately 33 dwellings per hectare. In addition the retained plot of the host property (12 Worrall Drive) would be in the region of 340sqm. As such the proposed development would not represent an overdevelopment of the site.

The revised National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 117 of the revised NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

It is considered that the proposed development would be of an appropriate density and is in a relatively sustainable location. In principle, and in land use policy terms, the application is considered to be acceptable.

### Street Scene

The proposed dwelling house would front onto Mowson Lane, albeit set back by approximately 12.5m from the back edge of the footway. Immediately to the west of the site is No.13 Mowson Lane. This is a traditional double bay fronted property of stone construction. To the east the site is bounded by a dry stone wall and hedge with a fairly wide grassed public footpath. Beyond this is No 21 Mowson Lane which is a detached dwelling house, again of two storeys. Further along Mowson Lane are bungalows and on the opposite side of the lane are pairs of semi-detached dwellings. Building materials also vary with a mixture of stone, red brick and render.

The proposed dwelling house would be sited constructed from red brick with a slate roof and would be two-storeys with the upper storey to be located within the roof space with two dormers on the front elevation. The property would also have a gable facing the highway which would contain a large glazed area, giving the property a more contemporary feel.

As set out above there is considerable variation within the street. Properties further along Mowson Lane have dormers to the front.

The submitted street scene elevations show that the development would be respectful to the sloping nature of the site (which falls to the east), the proposed dwelling being set down from No.13 and just slightly higher than No.21, thereby following the natural topography.

The applicant has indicated that the dry stone wall that forms the current boundary to the eastern side would be retained and rebuilt (to provide screening to the garden from the public footpath) to a height of 1.8m.

The position of the dwelling relative to the edge of Mowson Lane, although set some distance behind no.13, would be similar to that of no.21.

It is considered that on balance the development would not be harmful to the character and appearance of the area. Paragraph 130 of the revised NPPF (2019) sets out that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

Given the wide variations in the street scene and the set-back nature of the site the proposed dwellinghouse is considered to be acceptable in terms of design.

### Amenity

The new dwelling would be sited to the rear of properties on Worrall Drive and has been arranged internally such that the main aspect from the property would be onto Mowson Lane.

The submitted plans indicate that a distance of 12m would be maintained between the rear of an existing single-storey extension to No.12 and the proposed dwellinghouse. No 12 has also been extended with a conservatory and this would be closer to the proposed dwellinghouse (with a separation of around 10m).

Properties on Worrall Drive are at a slightly lower level than the neighbouring dwelling (No.13) on Mowson Lane. The proposed dwellinghouse has been designed to try and minimise any overbearing impact, the upper floor accommodation being within the roof space and the street scene elevation shows that the eaves of the gable feature on the front elevation of the proposed dwelling would be level with the eaves of No.12 Worrall Drive.

Guideline 5 of the Council's SPG on Designing House Extensions sets out that a two storey extension should not be placed within 12m of ground floor main facing windows, to prevent unreasonable overshadowing or overdominance.

The proposed dwellinghouse would be within 10m of conservatory windows on the rear of No.12; however the conservatory is also served by windows on the side elevation and so would not be unreasonably overshadowed. The new dwellinghouse would be 12m from other ground floor windows in this property. On balance it is considered that the development would not result in unreasonable overshadowing or loss of light to properties on Worrall Drive.

No.13 Mowson Lane has windows on the ground floor that serve habitable rooms that look out to the east over the development site. The proposed dwellinghouse would be set back from the side of No.13 Mowson Lane so as not to be directly in front of these windows. These rooms are also believed have secondary windows on the front and rear elevations. These rear facing windows would be within a 45 degree angle scribed from the corner of the proposed gable wall of the application proposal. This is contrary to Guideline 5 of the SPG however this is designed for immediately adjoining properties and a situation where no alternative windows are available as a light source.

No.13 has been extended with a single-storey projection to the rear, furthest from the boundary with the development site. The proposed dwellinghouse would be sited such that a separation distance of 12m between the extension to No.13 and the proposed dwellinghouse would be maintained. It is worth noting that the 12m distance guide relates to proximity to a full two storey height gable positioned on the same ground level. In this case the application site is at a lower level and the proposed side gable is not a full two storeys. Therefore the impact is reduced. In

addition there would be a gap between the rear corner of no.13 and the taller elements of the proposal that would allow sunlight to penetrate to the garden of no.13.

There would undoubtedly be some loss of sunlight and some overshadowing to the rear garden of no.13, however for the reasons given above this is not considered to be at a level that is sufficiently harmful to resist granting planning permission.

It is considered that, whilst the site is tight, the development would not give rise to unacceptable levels of overshadowing and overdominance such as to warrant a refusal of the application.

Amended plans have been received during the course of the application. On the side elevation which faces towards No.13 Mowson Lane a door is proposed on the ground floor. Although glazed this would be largely obscured by boundary treatments and the door would open onto a lobby, not a habitable room. It is considered that the development would not give rise to overlooking to the west.

On the rear elevation the proposed development would have three windows on the upper floor. These would all serve bathrooms and so overlooking towards properties on Worrall Drive would not occur either. However, to prevent any potential future overlooking in this direction it is recommended that, should planning permission be granted, a condition be attached to any consent prohibiting these windows from being clear glazed and permitted development rights be removed so that new clear glazed windows cannot be inserted.

On the eastern elevation of the proposed dwelling house a sun room is proposed on the ground floor. Overlooking from this room would be largely prevented by boundary treatment (1.8m high stone wall with planting to the inside). On the first floor a secondary bedroom window is proposed. This would be afforded a view across to the front / side of No.21 Mowson Lane; however the attached garage of No.21 would be positioned between the two dwellings and there are no windows on the side of No.21. The proposed development would not allow for overlooking to the rear garden of No.21.

As already mentioned, the main aspect of the proposed dwelling house would be to the front, with a distance of around 30m between the proposed development and properties on the opposite side of Mowson Lane.

Guideline 6 of the Council's SPG on Designing House Extensions set out that a minimum separation distance of 21m should be maintained between main facing windows.

It is therefore considered that the proposed development would not give rise to unacceptable levels of overlooking, loss of privacy or overshadowing to neighbouring properties. The proposed separation distance between the properties would comply with guidelines contained within the Council's SPG on Designing Extensions. Consequently the proposal is not considered to contravene the Human Rights Act (Article 8).

The proposed development would have a small strip of garden to the rear and a more useable area in excess of 50sqm to the side. In addition the host property (No.12 Worrall Drive) would retain ample private amenity space, the main rear garden area being in excess of 80sqm.

It is considered that the development would not be harmful to the amenity of occupiers of neighbouring property and living standards for occupiers of the development would be satisfactory. The development would accord with UDP Policy H14 as well as paragraph 127 of the revised NPPF (2019).

## Highways

The proposed development would be accessed from Mowson Lane. The applicant currently has a vehicular access from Mowson Lane, which has in the past been used for accessing the property to park a caravan. The frequency of use of this access is disputed by neighbours.

In order to gain access to the property users have to overrun a grassed area to the south. To the east is a public footpath that may also share a small portion of this area. The grassed area is not owned by the Council and it is not clear who does own this area of land. The applicant has tried to investigate this, serving the correct notices and publishing an advertisement in the Sheffield Telegraph. No representations have been received as a result.

At present the boundary consists of a wall, approximately 1.25m in height with a conifer hedge planted behind. The applicant is looking to remove the hedge and extend the wall such that it is 1.8m in height, providing privacy to the garden.

It is considered that provided the area of land to the south of the access remains open, as it is at present, and no new gates are erected at the point where the drive meets Mowson Lane, the development would not be hazardous to users of the public footpath.

If planning permission is given full details of the proposed gates to the drive and surfacing of the grassed area in question should be made a condition of any consent as well as details of how water will be prevented from spilling onto the public highway. It is also recommended that the height of the wall at the access be reduced, such that it is no more than 1m in height to aid visibility for drivers exiting the site.

Subject to the imposition of such conditions it is considered that the use of the access point by a single dwelling house would pose no significant safety concerns for users of the footpath.

The submitted plans indicate that the proposed dwelling house would have space to park two cars within the site, clear of the public footpath, as well as an additional space within the proposed integral garage.

The level of parking proposed is adequate. No 12 Worrall Drive also has parking to the front (accessed from Worrall Drive) and this would remain unaltered.

It is considered that the proposal would not result in an increase in traffic which would be detrimental to highway safety within the area.

The development would accord with UDP Policy H14 and, with heed to paragraph 109 of the revised NPPF (2019) which sets out that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, it is considered that a refusal on highways grounds cannot be justified.

#### Community Infrastructure Levy (CIL)

The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development. Mostly CIL replaces some previous payments negotiated individually as planning obligations, such as contributions towards the enhancement and provision of open space (UDP Policy H16) and towards education provision (Core Strategy Policy CS43).

In this instance the proposal falls within Zone 3. Within this zone there is a CIL charge of £30 per square metre. The applicant has completed a CIL form which sets out that the development proposes 140sqm of residential floor space; however the applicant has also set out that they are to claim self-build relief.

#### Response to Representations

The effect development would have upon residential amenity and highway safety has been dealt with in the report above.

Loss of view is not a planning consideration.

Any future drainage problems would be a private matter to be resolved between the two parties as would access for the construction of the proposed development. A condition will ensure that all hard surfaced areas of the site are porous to minimise surface water run off.

Obstruction of the public footpath during construction works would also not be a reason to withhold planning permission.

In terms of ecology, there is no evidence to indicate the presence of protected species and the owners of No.12 could alter their garden, without the need for planning permission, involving removal the garden pond. As set out above, both No.12 and the new property would have ample garden space and so a sizeable garden habitat would be retained. A refusal of the application on ecological grounds cannot be justified.

#### SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of a single dwellinghouse on land to the rear of properties on Worrall Drive. The proposed dwellinghouse would front onto Mowson Lane from where the site would be accessed. Adjacent to the site is a public footpath.

The development site is within a housing area and is surrounded by residential properties. Although the site is tight, there would be space within the site to provide a dwellinghouse, associated parking and amenity space. It is considered that the development would not give rise to unacceptable levels of overshadowing or overlooking and the site would not be overdeveloped. In addition the development would not cause significant highway safety concerns.

It is considered that, on balance the development would accord with UDP Policy H10 and H14, Core Strategy Policy CS24 and 26 as well as guidance contained within the revised NPPF and the Council's Supplementary Planning Guidance on Designing House Extensions. It is recommended that planning permission be granted with conditions.

