



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 27 August 2019

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
27 AUGUST 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 a two-storey roof extension to provide 6no apartments at Old County Court House 56 Bank Street Sheffield S1 2DS (Case No 18/03912/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 alterations to roof space to form habitable accommodation including erection of front dormer, new access to garage at lower-ground floor level and steps to main door of dwelling at 16 Welbeck Road Sheffield S6 5AY (Case No 19/01413/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 erection of two-storey side extension and single-storey rear extension to dwellinghouse (Case No 19/01389/FUL)

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for retention of replacement fencing (Restrospective application) at 54 Main Avenue Sheffield S17 4FJ (Case No 18/03711/FUL) has been dismissed.
Officer Comment:- The Inspector identified the main issue as being the effect of the fence on the character and appearance of the area. The Inspector noted the pleasant green and open character of the street and that boundaries were predominantly formed of low masonry walls and/or

hedging and to a lesser degree were open.

The prominent corner location of the fence, its solidity, height, and considerable length led the Inspector to conclude that it resulted in an incongruous and obtrusive feature within the street scene, at odds with the prevailing character, and therefore in conflict with UDP policy H14.

The appellant suggestion that two other fences nearby were justification for their fence was not accepted by the Inspector as they were different in appearance and even if they were more similar, would not justify further harm.

The Inspector noted the appellants wishes to provide privacy and security but did not feel these outweighed the harm to the appearance of the area, and dismissed the appeal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) opposite 2 Tenter Street Sheffield S1 3RF (Case No 17/02964/TEL) has been dismissed.

Officer Comment:-

The Inspector considered that the call box would result in visual clutter in the street scene, when viewed in the context of existing street furniture in the location.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) to front of 43-51 The Moor Sheffield S1 4PF (Case No 17/02921/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the kiosk would stand conspicuously in an open space and would harm this sense of openness. The angular, functional design of the kiosk would also appear discordant when seen in context with the contemporary, curved designs of the street furniture and pod buildings. The kiosk would also be positioned along the natural diagonal flows of pedestrians through this space. In this position and given the high amount of footfall in the area, the kiosk would form a serious impediment to the safe movement of pedestrians.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) land outside 30 Eyre Street Sheffield S1 4QY (Case No 17/02934/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that Eyre Street is a busy route for vehicular traffic to and from the city centre which has undergone public realm improvements. The kiosk would be located to the other end, close to the corner with Matilda Street. It would align with the other street furniture; however, its size and bulk would contrast markedly with the slender profile of the trees and bins, and the low profile of the benches. Due to its position in front of the other furniture, facing the open space of the adjacent junction, the kiosk would appear conspicuous and discordant and would harm the appearance of the street.

(v) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) adjacent to the Adsetts Centre Sheffield Hallam University Arundel Gate Sheffield S1 2PN (Case No 17/02939/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the kiosk would be located in front of the Adsetts Centre, within a wide footway. The kiosk would sit in an exposed and discordant position in the footway, neither set against nor in line with other street furniture. Moreover, it would also stand squarely in front of the bottom of the entrance steps to the Adsetts Centre. Due to its size, it would be an incongruous feature which would detract from the entrance to the Adsetts Centre and from the open character of the street scene.

(vi) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) near junction with Holy Green Charter Row Sheffield S1 4HR (Case No 17/02950/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that Charter Row has undergone public realm improvements, with broad, open footways and very limited street furniture affording long vistas up and down the street. The kiosk would be located in a transitional part of the street without shopfronts. In the absence of other street furniture, the proposed kiosk would appear as a prominent and isolated feature, visible in long views and would appear conspicuous due to its size and form and would appear discordant and harmful to the street scene as a result.

(vii) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) adjacent 190 Fitzwilliam Street Fitzwilliam Street Sheffield S1 4JL (Case No 17/02929/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the kiosk would be located in line with the street trees but would be close to the junction and highly visible as a result and discordant and obtrusive in the street scene, detracting from the character and appearance of the area. Given its position in the centre of the footway, it would also form a significant impediment requiring those on foot to divert their path and so would be an impediment to the safe movement of pedestrians.

(viii) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) adjacent 34 Furnival Gate Sheffield S1 4HW (Case No 17/02924/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the kiosk would be located in front of a row of slender columns supporting an overhanging section of the adjacent building. Beyond this, the footway opens up around the corner of the roundabout and features an area of improved public realm with street trees and benches. The proposed kiosk would be an obtrusive addition to this considered public realm. Its placement next to the slender columns of the adjacent building would draw undue attention to its bulky, angular form which would contrast with the curved aesthetic of the adjacent public realm features and would detract from the high quality appearance of the public realm. It would also, due to its size and footprint, form a significant impediment to the free movement of pedestrians along the footway.

(ix) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) adjacent 51 Furnival Gate Sheffield S1 4HW (Case No 17/02927/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the kiosk would be located in an upgraded area of public realm with an open, uncluttered appearance. The kiosk would be positioned towards the outer edge of the footway, where its height and massing would be highly conspicuous within the open footway. For these reasons, the siting and appearance of the proposal would harm the character and appearance of the area. The kiosk would also narrow the width of the footway at this point, creating a pinch point which would impede the free movement of pedestrians.

(x) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) site opposite Sheffield Station Sheaf Street Sheffield S1 2BP (Case No

17/02910/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the public realm has been improved in this area, with minimal street furniture and an open, uncluttered appearance. The proposed kiosk would form a prominent feature in the centre of the footway which would appear discordant due to its exposed position, size and bulk and would undermine the planned open character of the public realm, which otherwise comprises slender trees and street poles.

(xi) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) land outside Sheaf Building Sheffield Hallam University Sheaf Street Sheffield S1 2BP (Case No 17/02906/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the kiosk would stand in an open area of improved public realm which forms part of the setting of the train station, listed at Grade II. Street furniture in the area is consistent in design and the number of other objects in the street is also limited which creates a sense of spaciousness and allows clear views of the listed station building, which contributes to its significance as a prominent and historic public building. The proposed kiosk would have an adverse visual impact given its broader shape and overall height and would stand closer to the main footway in a more exposed position. Through its size and form, it would stand out as a discordant feature, unrelated to the existing public realm design and would create a cluttered arrangement of unrelated objects in the footway.

(xii) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) to front of Debenhams The Moor Sheffield S1 4PF (Case No 17/02955/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the kiosk would be placed centrally within the street, in a broad area of open pavement between fixed seating in front of the freestanding Café Nero building and a more extensive area of seating, a street tree and bin close to the top of the street and the junction with Furnival Gate. This is an open space between the busy lines of pedestrian traffic to either side and allows for views in either direction from the seating areas. It also forms an important area of open space close to the top of the street and provides a sense of openness and arrival into the area. The kiosk would stand conspicuously in this space and would harm this sense of openness. The angular, functional design of the kiosk would also appear discordant when seen in context with the contemporary, curved designs of the street furniture

and pod buildings which proliferate the area and would detract from the coherent and high quality appearance of the area. The proposed kiosk would be positioned along the natural diagonal crossing flows of pedestrians through this space. In this position and given the high amount of footfall in the area, the kiosk would form a serious impediment to the safe movement of pedestrians.

(xiii) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) adjacent Weston Tower West Bar Green Sheffield S1 2DA (Case No 17/02923/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that that the kiosk would stand towards the outer edge of the footway, close to an open-sided telephone kiosk with an advertisement. There is also an older style, enclosed telephone box to the inner side of the footway near the digital advertisement. The proposed kiosk would be located a short distance from these two objects, and would be seen in context with the other, open-sided kiosk slightly further along. Their number and proximity to each other already creates a cluttered arrangement and the proposed kiosk, through its siting, would add to this cluttered arrangement and so would detract from the character and appearance of the area.

(xiv) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) Telephone Box 1 at Moorfoot and Junction with Fitzwilliam Gate The Moor Sheffield S1 4PH (Case No 17/02905/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the kiosk would be in a short pedestrianised area leading to Council offices at Moorfoot. This section of The Moor is a busy part of the street and maintained the two rows of street furniture and trees which characterises the rest of the street. The kiosk would be highly visible given a road crosses directly in front of it. The size and bulk of the kiosk, and its prominent siting, would result in it appearing conspicuous and discordant in the street scene, harming the character and appearance of the area. The proposed kiosk would also add a further impediment to the safe movement of pedestrians and so would be harmful to highway safety.

(xv) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) land at Corporation Street junction with Cotton Mill Road Sheffield S3 8RP (Case No 17/02902/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the site is close to the boundary of the Kelham Island Industrial Conservation Area and provides the immediate visual context of important public views towards the conservation area. It is currently uncluttered and the call box would introduce a large piece of street furniture into this open area which would erode the open character of the site and be harmful to the setting of the conservation area.

(xvi) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) near junction with Sheaf Street Suffolk Road Sheffield S2 4AG (Case No 17/02966/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the pavement in the vicinity of the appeal site is generally open, with limited street furniture and close to an area of public open space giving it an uncluttered feel. The call box would be large element of street furniture in this open area which would erode the open character and uncluttered nature of the area.

(xvii) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) highway in front of 40 Corporation Street Sheffield S3 8RP (Case No 17/02952/TEL) has been dismissed.

Officer Comment:-

The Inspector considered that the site was relatively open with limited slender street furniture and that the introduction of a call box would erode the character and be harmful to the appearance of the area.

(xiv) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) land outside 48 Wicker Sheffield S3 8HS (Case No 17/02907/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the site is outside the Sadacca social centre, a grade 2 listed building, with the frontage of that building being the main focus of the listing. As such the call box would be in the immediate visual context of this important elevation, thus affecting the setting of the building. Moreover the public realm has a coordinated appearance with low level coordinated street furniture. The call box would be a large element which would erode the character of the area and be harmful to the setting of the listed building.

(xv) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) outside 19 Angel Street Junction With Bank Street Sheffield S3 8LN (Case No 17/02914/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the pavement at this point is open with only modest and slender street furniture. Its uncluttered nature is a positive element. The introduction of the call box would erode the open appearance of the area and adversely affect its character.

(xvi) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) adjacent Shell St Phillips Service Station Netherthorpe Road Sheffield S3 7EZ (Case No 17/02925/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the public pavement on this part of Netherthorpe Road is relatively open with street furniture generally limited to slender lamp/sign posts. In summary the uncluttered character of the immediate surroundings is a positive element of the appearance of the appeal site and surrounding area and the siting of a phone box here would erode its character.

(xvii) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) to front of Metis Building Tenter Street Sheffield S1 3RF (Case No 17/02901/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the introduction of an additional item of street furniture sited in the proposed location, particularly of the appearance (in terms of its size and scale) of the proposed call box, would result in visual clutter in the streetscene. This would unacceptably exacerbate this characteristic of this area.

(xviii) To report that an appeal against the delegated decision of the Council to refuse planning permission for demolition of workshops and erection of 5 apartments in 2 blocks (As per amended drawings received on the 4 January 2019) (amended description) Russell Hutton Bespoke Kitchens 23 Hillsborough Road Sheffield S6 4JL (Case No 18/03626/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issues as the effect of the development on:-

- i) Living conditions of neighbouring occupiers;
- ii) The character and appearance of the area; and
- iii) The use of the adjacent open space.

He noted in respect of i) that the rear of residential properties on Hillsborough Road and Hillsborough Place faced onto the site, and that the proposed replacement building would be taller than existing though would be broken into two portions. He also noted the separation distance from the rear of the residential properties would fall short of the 12m recommended in the Council's Supplementary Planning Guidance, which he considered a relevant guide, and concluded these elements would be overbearing to those residents.

On living conditions he therefore concluded the development would be harmful and in conflict with UDP policy S10.

On ii) he considered the increase in mass and height of development on the site, along with a hipped roof in close proximity to the neighbouring residents, would be bulky and dominant in the street scene and out of character with neighbouring residential property. He concluded it would harm the character and appearance of the area in conflict with policy S10.

For iii) he noted the open space was a green pocket of benefit to the local urban area but was given no evidence of its redevelopment potential. He felt the presence of mature trees close to proposed main living windows would lead to pressure for removal. He felt the presence of main living windows overlooking the site would limit its public use and harm its pleasant and tranquil quality in conflict with policy CS74 (Core Strategy) and the NPPF.

He did not feel the appellant's suggestion that the potential for continued light industrial use of the site would lead to more harm, outweighed his concerns on the main issues and dismissed the appeal.

(xix) To report that an appeal against the delegated decision of the 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 201 at 104 Page Hall Road Sheffield S4 8GW (Case No 18/01688/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the development on the residential character and appearance of the area.

Noting that the area had a predominantly residential character with elements of commercial activity towards the local shopping centre and that the site fell within a Housing Area within the Council's UDP he considered policy H14 to

be most relevant which seeks to ensure residential uses remain dominant.

As the property was one of 4 dwellings in an otherwise retail dominated terrace, with housing opposite, the Inspector felt the conversion of this unit would lead to an over-concentration of commercial uses and would 'tip the balance' significantly undermining the residential character of the street due to the resultant concentration of shopfronts and commercial activity at ground floor level.

He considered the harmful effects of additional pedestrian activity, parking, noise and disturbance would add to the cumulative impact on living conditions from other uses which also weighed in the balance and that this could not reasonably be overcome with conditions.

He dismissed the appeal, citing policy H14 and paragraph 127 of the NPPF in doing so.

(xxi) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) Moorfields Near Junction With Bower Spring Sheffield S3 8PR (Case No 17/02912/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the site is located close to the Bower Spring cementation furnace which is a Scheduled Ancient Monument. The appeal site is part of the public pavement outside the building which provides the immediate visual context in which the significance of the scheduled ancient monument is appreciated in public views.

The public pavement close to the appeal site has an attractive and coordinated public realm including hard landscaping and street furniture which, in the immediate vicinity of this site includes benches and lighting which are modest in size. The proposed call box would be inappropriate in the streetscene in terms of its siting and appearance, including in public views towards the Bower Spring cementation furnace and would harm the setting of this scheduled ancient monument.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for Siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) near junction with Russell Street Gibraltar Street Sheffield S3 8UA (Case No 17/02948/TEL) has been allowed.

Officer Comment:-

The Inspector considered that the area does not appear to be part of a

coordinated public realm and he considered that the immediate area of the appeal site is characterised by the existence of street furniture so it would not be harmed by the installation of the call box.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning consent for Siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) land outside 80 Hoyle Street Sheffield S3 7EW (Case No 17/02948/TEL) has been allowed.

Officer Comment:-

The Inspector noted that the public pavement in the vicinity of the appeal site contains existing street furniture including street signage, trees, lighting columns and utilities cabinets and that there is no coordinated appearance to the street furniture that forms the immediate setting. He noted that some of these items are relatively substantial and occupy a significant width of the pavement and/or are higher than the proposed kiosk. He considered that it would be in keeping with the other street furniture in the area.

5.0 ENFORCEMENT APPEALS

Nothing to report

6.0 RECOMMENDATIONS

That the report be noted.

Colin Walker
Interim Head of Planning

27 August 2019