



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 19 November 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
19 NOVEMBER 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 Application to proceed without obscure glazing to master bedroom and veluxes, or privacy screening (Application under section 73 to remove conditions 3 (privacy screen) and 7 (obscure glazing/restricted opening to second floor velux windows) and vary condition 6 (obscure glazing/restricted opening to master bedroom and en-suite) of planning permission no. 18/02099/FUL) at 3 Chorley Road Sheffield S10 3RJ (Case No 19/01805/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 single-storey rear extension to dwellinghouse - the extension is 6m from the rear of the original dwellinghouse, ridge height no more than 2.7m and the height of the eaves 2.6m 113 Firth Park Road Sheffield S5 6WU (Case No 19/02527/HPN)

(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 a rear dormer extension to form habitable loft space, and erection of a 1/2 storey side extension to dwellinghouse at 14 Cockshutt Road Sheffield S8 7DX (Case No 19/01451/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 erection of front/side single-storey extension and rear dormer window to dwellinghouse at 9 Hollow Gate Sheffield S35 1TZ (Case No 19/01455/FUL)

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for alterations to roof including raised ridge height, rear dormer window and erection of single-storey side and rear extensions to

dwellinghouse at 4 Devonshire Road Sheffield S17 3NT (Case No 18/04322/FUL) has been dismissed.

Officer Comments:-

The inspector identified the main issues as being the effect on:-

- The character and appearance of the area; and
- Living conditions of neighbours (privacy and outlook)

In terms of street scene, the large flat roof dormer would be clearly visible from the street and neighbouring properties on Abbeydale Road South. It would further imbalance the appearance of the house resulting in a top heavy, awkward appearance causing harm to the character of the area, contrary to the aims of UDP policy H14, CS74 of the Core Strategy and the guidance in Supplementary Planning Guidance (SPG).

As regards living conditions, the Inspector considered that the raised ridge height and dormer would appear overbearing particularly from No. 286 Abbeydale Road South, in conflict with the SPG . However, they did not agree that it would allow for increased overlooking at an unacceptable level.

The appeal was dismissed.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for erection of a single-storey front extension, erection of a single-storey side/rear extension, and alterations to ground floor windows on side elevation to form bay windows (amended description 17/07/2019) at 3 Haugh Lane Sheffield S11 9SA (Case No 19/01851/FUL) has been allowed.

Officer Comment:-

The Inspector identified the main issue as being the effect on the character and appearance of the area.

He agreed with officers that the single storey extension would result in a stronger horizontal form but did not consider this would be harmful and therefore concluded it would have an acceptable effect on the character and appearance of the area, resulting in no conflict with policies BE5 and H14 of the UDP.

He therefore allowed the appeal subject to conditions.

5.0 CIL APPEALS DECISIONS

Nothing to report

6.0 ENFORCEMENT APPEALS NEW

(i) An appeal has been submitted to the Secretary of State against the Enforcement Notice served in respect of the breach of planning control as alleged in the notice is without planning permission, the unauthorised alteration and change of use of the former garage outbuilding at the land to form a self-contained living accommodation at 234 Barnsley Road Sheffield S4 7AG (Planning Inspectorate Ref APP/J4423/C/19/3233877)

7.0 ENFORCEMENT APPEALS DISMISSED

(i) To report that an appeal against the Enforcement Notice issued by the Council to remove metal storage containers at 174 Lowedges Road Sheffield S8 7LF (Planning Inspectorate Ref APP/J4423/C/18/3218091) has been dismissed.

Officer Comment:-

The appellant appealed against the service of the notice on ground (c) that planning permission is not required. The containers were placed at the front of the property facing the highway and were not physically attached to the ground.

The Inspector identified that the Courts have held the view that there are three primary factors to establish what constitutes a building, these are (a) the size, (b) permanence, (c) physical attachment and no one factor is decisive.

The Inspector concluded that the containers were development under section 55 of the 1990 Act due to their size and scale and they had a significant degree of permanence. The inspector's view was that these were not mobile given the specialist equipment that would be required to move them and given that their use is for storage implying that they will be there for some time.

The Inspector also considered Schedule 2, Part1, Class E of the GPDO, which relates to the provision within the curtilage of the dwellinghouse of any building or enclosure required for a purpose incidental to the enjoyment of the dwellinghouse. It was found that the containers were not permitted as they were located at the principal elevation of the property.

Therefore the Inspector was satisfied that the containers were operational development for which planning permission is required and the appeal was dismissed.

8.0 RECOMMENDATIONS

That the report be noted.

Colin Walker
Interim Head of Planning

19 November 2019

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