

DEVELOPMENT SERVICES

REPORT TO CITY CENTRE,
SOUTH & EAST PLANNING &
HIGHWAYS COMMITTEE
23 JULY 2012

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

An appeal has been submitted to the Secretary of State against the decision of the City Council to issue a discontinuance notice for an advert at 298a Ecclesall Road S11 8PE.

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal has been dismissed against the decision of the City Council to refuse planning permission, under delegated powers, for alterations to a roof to form additional habitable accommodation, alterations to form a pitched roof on the garage, a single-storey rear extension and construction of a first-floor side Juliette balcony to a dwellinghouse at 5 Kerwin Drive, S17 3DG (Case No 12/00170/FUL).

Officer Comment:

The Inspector considered the main issues to be impact on the character and appearance of the area, and upon the living conditions of neighbouring occupants.

She considered the Dutch gable roof design to be unwieldy and excessively large and agreed with officers that the juxtaposition of that roof form with the neighbouring conventional gable and hipped roof would appear 'clumsy and disunited'. She therefore agreed it would harm the character and appearance of the street scene, in conflict with Council Policies H14 and CS74, as well as Supplementary Planning Guidance – Designing House Extensions.

She also agreed with officers that the roof extension would be overbearing to the neighbouring occupiers, contrary to the aims of Policy H14 and the House Extension SPG, and dismissed the appeal.

ii) An appeal has been dismissed against the decision of the City Council to refuse planning permission, under delegated powers, for a single-storey rear extension and formation of habitable accommodation at basement level including light well below the new extension at Bassett Cottage, Andwell Lane (Case No 11/02557/FUL).

Officer Comment:

The Inspector considered the main issue to be whether the proposal would be inappropriate development in the Green Belt, and if so, whether there were any very special circumstances to outweigh the resultant harm.

He noted the National Planning Policy Framework (NPPF) and Council Policy (including Supplementary Planning Guidance) are in harmony in referring to only minor proportionate extensions being appropriate.

He considered the merits of arguments from both sides relating to how the original volume of the building is calculated, including determining that the basement extension, despite lack of impact upon openness, is still an extension, and should be taken account of when considering whether the works proposed are minor or proportionate.

He calculated that the extent of extension beyond the original dwelling would be 57% which is significantly in excess of the 33% in the Council's guidelines.

In summary, he concluded the extension would represent a disproportionate and unacceptable cumulative degree of extension, contrary to UDP Policy GE6, and the NPPF, and would be inappropriate development in the Green Belt. He did not think it would cause serious harm to the character of the Area of High Landscape Value, however he stated that many inappropriate developments do not harm the landscape. He did not though feel this was a very special circumstance sufficient to overcome the harm, that is by definition, caused by inappropriate development in the Green Belt, and dismissed the appeal.

iii) An appeal has been dismissed against the decision of the City Council to refuse planning permission, under delegated powers, for a two-storey side extension, a single-storey front extension, including porch and detached garage to a dwellinghouse at 72 – 74 Birkendale Road, S6 3NL (Case No: 12/00215/FUL).

Officer Comment:

The Inspector considered the main issue to be the effect of the development upon the character and appearance of the Birkendale Conservation Area.

He noted that the dwelling was very typical of the Conservation Area and that the building was identified as a Building of Townscape Merit in the Council's Conservation Area Appraisal. Whilst the broad design of the extension reflected the general style and materials of the dwelling, the extension to the

house was not subservient and would result in a significantly larger house, and highly noticeable feature of the building. He noted the single storey glazed link would be an alien feature in the street scene. Overall he felt the extensions would be intrusive and unwelcome additions to the property.

He agreed with officers that the detached garage, with its flat roof, large metal roller shutter door, considerable width and box like appearance would detract from the Conservation Area's special qualities, particularly given its location close to the footway.

He notes the NPPF states that design which is inappropriate in its context should not be accepted, and that Conservation Areas should be safeguarded. Against this background he concluded that the development would fail to preserve the character or appearance of the Conservation Area and would conflict with UDP policies BE5, BE16 and H14, and Core Strategy Policy CS74, and dismissed the appeal..

iv) An appeal has been dismissed against the decision of the City Council to refuse planning permission, under delegated powers, for a two-storey rear extension to a dwellinghouse at 14 Moorgate Avenue, S10 1EQ (Case No: 12/00089/FUL).

Officer Comment:

The Inspector considered the main issues to be the impact upon the living conditions of neighbours in respect of overbearing impact or loss of light; and whether satisfactory amenity space would remain for the occupants.

She considered the proximity of the extension to the garden of no.12 Moorgate Avenue to be such that the extension would loom large relative to the width of the garden and agreed with officers that this would be oppressive, and reduce the amount of light reaching it. She considered a similar, but lesser impact would occur to the occupants of no.16. owing to its orientation and presence of existing buildings but did not consider this to be sufficient to dismiss the appeal. Her overriding concern was the impact upon no.12.

She did not agree with officers that the extension would lead to unsatisfactory amenity space for occupants. The rear garden fell short of the Council's 50 sqm guideline (at 38sqm) however ample front garden existing to serve the occupant's needs.

She dismissed the appeal principally owing to her consideration of adverse impact upon the occupants of no 12 Moorgate Avenue, the conflict with UDP policy H14, and Supplementary Planning Guidance – Designing House Extensions.

v) An appeal has been dismissed against the decision of the City Council to refuse planning permission, under delegated powers, for a two-storey side/rear extension to a dwellinghouse and erection of a canopy to the front entrance and garage at 11 Glen View Road, S8 7SF – resubmission of

planning application Case No.11/02066/FUL (Case No: 12/00726/FUL).

Officer Comment:

The Inspector noted the extension was almost complete, by virtue of the earlier permission, and that the main issue was the effect of clear glazing (as opposed to the previously approved obscure glazing) in a first floor rear facing window on the living conditions of occupiers of no's 8 and 10 Humphrey Road.

He considered there are clear direct views at close range, of the rears of no's 8 and 10 from the window. He acknowledges that there is typically some overlooking of adjacent property in tight knit residential areas, but considers opportunities from this window to be more direct. He was particularly convinced that the occupiers of no.10 would suffer unacceptable loss of privacy.

He noted the NPPF had a core principle of planning seeking a good standard of amenity for all residents, and that the clear glazed window conflicted with this aim, and those of Policy H14 of the UDP, and Supplementary Planning Guidance – Designing House Extensions, and dismissed the appeal.

5.0 RECOMMENDATIONS

That the report be noted

David Caulfield
Head of Planning

2 July 2012