



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 28 January 2020

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
28 JANUARY 2020

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 upgrade to 48 sheet advertising display unit to support internally illuminated digital static display at Clear Channel UK Advertising Right No 6596 01 at 598 Staniforth Road Sheffield S9 4LN (Case No 19/03168/HOARD)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for removal of kiosk and installation of freestanding smart kiosk (Application for determination if approval required for siting and appearance) at telephone box outside 49 Furnival Gate Sheffield S1 4QQ (Case No 19/01908/TEL)

(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 dwellinghouse (Amended Plans received January 2019) at curtilage of 25 Pickard Crescent Sheffield S13 8EY (Case No 17/04593/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 use of part of ground floor of dwellinghouse as an office (Class B1 Business) or a Letting shop (Class A2 Financial and Professional Services), provision of a ramp and resurfacing of front patio area (amended description) at 294 Staniforth Road Sheffield S9 3FT (Case No 19/01862/FUL)

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the 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 (19/01455/FUL) has been dismissed.

Officer Comments:-

The appeal was dismissed in relation to the proposed single storey extension and allowed in relation to the dormer window. The appeal building is a stone built semi-detached property located within a predominantly residential area. Main issue is impact on character and appearance of host dwelling and street scene. Inspector considered the projection forward of the building line and roof form to be harmful.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for 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 at 113 Firth Park Road Sheffield S5 6WU (Case No 19/02527/HPN) has been dismissed.

Officer Comments:-

Inspector agreed that this full width 6 metre deep single storey rear extension would be harmful to the amenities of the occupiers of the adjoining premises.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for erection of a dwellinghouse at land at former 142 Cross Lane Crookes Sheffield S10 1WP (Case No 19/00562/FUL) has been dismissed.

Officer Comments:-

Though the site is in a poor state, the Inspector agreed that the proposed 2 bed detached dwellinghouse with a flat green roof in a backland position would reduce openness, be out of character and detract from the appearance of the surrounding area.

They acknowledged the lack of a 5 year housing land supply but felt one house made little meaningful difference and didn't outweigh the harm.

4.0 APPEALS DECISIONS – ALLOWED

Nothing to report

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 that the condition 2 of planning permission 12/02437/FUL has not been complied, because the development has been

built with significant departures from the approved plans referred to in condition 2 at land at 11a Collegiate Crescent Sheffield S10 2BA (Planning Inspectorate Ref APP/J4423/C/19/3236606 (16/00532/ENUHD))

7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report

8.0 ENFORCEMENT APPEALS ALLOWED

(i) To report that an appeal against the Enforcement Notice issued by the Council to remove unauthorised windows at land at Land at 38-40 Wostenholm Road Sheffield S7 1LJ (Planning Inspectorate Ref APP/J4423/C/18/3216477) has been allowed.

Officer Comment:-

The appellant appealed against the notice on ground on ground (c) that the matters alleged in the notice do not constitute a breach of planning control, ground (d) that the date the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may constituted by those matters and ground (f) that the steps required to comply with the requirements of the notice were excessive and lesser steps would overcome the objections.

The Inspector considered whether the replacement of the windows constituted as development under the 1990 Act. S55 (1) which defined what is development and S55 (2) which allows certain operations or activities to be carried out without permission as long as they do not materially affect the external appearance of the building.

The Inspectors view was that the replacement upvc windows had similar materials and proportions to the original windows and were not significantly different. That, the windows were set back from the road and if they had been replaced with old fashioned joints and beading then these would not have been visible from the neighbours or from the Road. With regards to the black colour of the windows the inspector felt that this was not dramatic in effect given the less reflective qualities compared to the white upvc windows. The inspector also stated that a material effect on appearance can be in the eye of the beholder and have a degree of objectivity.

The Inspector concluded on the balance of probability that the replacement of the windows constitutes carry out of an improvement or alteration of the building which has not materially affected the external appearance such that it can be regarded as development and therefore does not require planning permission; subsequently the other grounds were not considered.

9.0 RECOMMENDATIONS

That the report be noted.

Colin Walker
Interim Head of Planning

28 January 2020

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