



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 23 June 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
23 JUNE 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 erection of a glass covered canopy to east elevation of nursery building at Chantreyland Nursery Grange Barn 34 Matthews Lane Sheffield S8 8JS (Case No 19/02748/LBC)
(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for retention of a rear dormer window and rear boundary walls, and application to erect rear external stairs to first floor flat (amended description 16/09/2019).at 331 & 331A Baslow Road Sheffield S17 4AD (Case No 19/02706/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 retention of use of car park as hand car wash and car park (Use Class Sui Generis) including siting of shipping container and alterations to canopy at Jumeirah Spice 1 The Common Sheffield S35 9WJ (Case No 19/03644/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 retention of front dormer extension to form additional living accommodation to house of multiple occupation (Resubmission of 19/01105/FUL) at 5 Cemetery Avenue Sheffield S11 8NT (Case No 19/03966/FUL)
(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for demolition of detached garage and former car port, alterations to roof including erection of rear dormer window with Juliet balcony, solar panels to rear and rooflights to front, erection of two-storey side extension and single-storey rear extension to dwellinghouse at 56 Lees Hall Avenue Sheffield S8 9JF (Case No 19/04264/FUL)
(vi) 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 side extension, single-storey rear extensions, and formation of gable end at 52 Westwick Crescent Sheffield S8 7DH (Case No 19/03733/FUL)

(vii) 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 existing rear dormer, erection of front and rear dormers to dwellinghouse and alterations to fenestration at 108 Hangingwater Road Sheffield S11 7ES (Case No 19/03078/FUL)

(viii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for Part A: 3 internally illuminated fascia signs; and Part B: 1 internally illuminated fascia sign at Unit A2 Meadowhall Retail Park Attercliffe Common Sheffield S9 2YZ (Case No 19/02014/ADV)

(ix) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for change of use to part of ground floor from dwellinghouse (Use Class C3) to shop (Use Class A1) and erection of a single-storey front extension to form a shop front at 37 Hinde House Lane Sheffield S4 8GY (Case No 9/04343/FUL)

(x) 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 palisade security gates and fencing to forecourt of industrial unit at Norjen Precision Ltd 80 Holywell Road Sheffield S4 8AS (Case No 19/03471/FUL)

(xi) 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 detached garage as a dwellinghouse (Use Class C3) with associated alterations including replacement and additional windows and doors, and provision of 4 rooflights (re submission of 19/01411/FUL) at Garage Site At Rear Of 23 To 31 Hanson Road Sheffield S6 6RF (Case No 20/00379/FUL)

(xii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for installation of a digitally imprinted hi-tech micromesh PVC banner depicting portland stone cladding to first and second floor exterior wall facing Rockingham Gate incorporating an 7.6m x 9.8m commercial advertising area at Plug Box Office 1 Rockingham Gate Sheffield S1 4JD (Case No 20/00458/ADV)

(xiii) 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 rear extension to dwellinghouse at Azaan House 18 Fentonville Street Sheffield S11 8BB (Case No 19/04599/FUL)

(xiv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for

replacement of existing 9.70m monopole with a 20.0m high monopole including ground-based equipment cabinets and associated works at Land Adjacent Existing Mast Stradbroke Road Sheffield S13 8LR (Case No 19/03679/FULTEL)
(xv) 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 14.5m monopole and equipment cabinets and erection of 20.0m high monopole supporting 12 no antenna apertures, and associated equipment cabinets (To be sited to the front of Ecclesall Medical Centre, Millhouses Lane) (Amended Description) at Junctions Of Knowle Lane And Ecclesall Road South, Millhouses Lane And Woodholm Road Sheffield S11 9SH (Case No 19/04101/FULTEL)
(xvi) 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 (Re-submission of planning permission 17/03139/FUL) at Curtilage Of The Coppice 10 Stumperlowe Hall Road Sheffield S10 3QR (Case No 18/02685/FUL)
(xvii) 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 single-storey rear extension and provision of rooflights to front and rear of dwellinghouse at Curtilage Of The Coppice 56 Bowood Road Sheffield S11 8YG (Case No 19/04434/FUL)
(xiii) 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 a 11.7m monopole and erection of a 20.0m high monopole supporting 12 no antenna apertures, 8x equipment cabinets and ancillary works (Amended Site Location Plan) at Telecommunications Mast Near Junction With Hollybank Road Mansfield Road Sheffield S12 2AJ (Case No 19/02278/FULTEL)

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for application for retention of an external staircase to rear of dwelling at 31 Hinde House Lane Sheffield S4 8GY (17/03638/FUL) has been dismissed.
Officer Comment:- The main issue was the effect of the development on the living conditions of adjoining occupiers to the appeal building with regard to privacy and overlooking. The Inspector concluded that the development does harm the living conditions

of the adjoining occupier with regard to overlooking and privacy as there are extensive views of the rear of the adjoining buildings.

They also concluded that the steps as set out in the notice were necessary to remedy the breach of planning control and were not excessive.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for demolition of attached garage, erection of three-storey rear extension, erection of single-storey side extension with 1 front dormer, alterations to roof to form habitable living accommodation including erection of 2 front dormers, 2 juliette balcony's to rear and new pitched roof, and alterations to fenestrations at Broom Cottage New Mill Bank Sheffield S36 3ZG (18/03982/FUL) has been dismissed.

Officer Comment:-

The appeal resulted from a failure to reach a decision on the revised information submitted by the appellant provided a statement of case and a putative reason for refusal, confirm we would have refused planning permission due to harm to the Green Belt.

The Inspector found that the proposals would be inappropriate development in the Green Belt and a small but harmful loss of openness and gave limited weight given to the fall back position.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for application to approve details in relation to condition number(s): 9 (Remediation - Validation Report) imposed by planning permission 17/03867/FUL Lynthorpe House 86 Charlotte Road Sheffield S1 4TL (17/03867/COND4) has been dismissed.

Officer Comment:-

The Remediation Validation report submitted to discharge condition 9 attempted to demonstrate that the approved Remediation Strategy had been implemented.

The Inspector identified the main issue was whether or not appropriate information had been submitted within the Remediation Validation Report to demonstrate that the Strategy had been fully implemented.

She noted that the area of contention was a portion of open space, adjacent to but located within the original application site boundary, and within which the approved Site Investigation Report and Remediation Strategy identified a need for a 600mm capping layer.

The Remediation Validation Report does not demonstrate that this was undertaken across the full extent of the site, within the area of open space. The inspector therefore agreed that the Council were correct to refuse the application, and dismissed the appeal.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for application to single-storey rear extension - the extension is 8 metres from the rear of the original dwellinghouse, ridge height no more than 4 metres and height to the eaves of 2.9 metres at Bengreave Farm Hollin House Lane Sheffield S6 6RG (19/02899/HPN) has been dismissed.

Officer Comment:-

The application refused because it was considered that the enlarged part of the dwellinghouse would extend beyond: (i) a wall which forms the principle elevation of the dwellinghouse; and, (ii) the original side elevations of the dwelling and have a width greater than half the width of the original dwellinghouse. The appeal centred on which elevation was the primary elevation.

The Inspector agreed with the LPA, i.e. that the primary elevation does not have to be the one that faces the highway.

(v) To report that an appeal against the delegated decision of the 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 (19/01908/TEL) has been dismissed.

Officer Comment:-

The Inspector concluded that although the siting and appearance of the kiosk would not unacceptably harm the amenity of the locality, or impede pedestrian flows, he considered that the projecting perspex hood on the structure would cause a hazard to blind and partially sighted people and would therefore be detrimental to the safe and efficient operation of the highway.

(vi) To report that an appeal against the delegated decision of the 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 45-47 Fargate Sheffield S1 2HD (19/01907/TEL) has been dismissed.

Officer Comment:-

The Inspector concluded that although the siting and appearance of the kiosk would not unacceptably harm the amenity of the city centre conservation area, or impede pedestrian flows, he considered that the projecting perspex hood on the structure would cause a hazard to blind and partially sighted people and would therefore be detrimental to the safe and efficient operation of the highway.

(vii) To report that an appeal against the delegated decision of the 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 outside 13-15 Haymarket Sheffield S1 2AW (19/01909/TEL) has been dismissed.

Office Comment:-

The Inspector concluded that although the siting and appearance of the kiosk would not unacceptably harm the amenity of the locality, or impede pedestrian flows, he considered that the projecting perspex hood on the structure would cause a hazard to blind and partially sighted people and would therefore be detrimental to the safe and efficient operation of the highway.

(viii) To report that an appeal against the delegated decision of the 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 O/S 19 Market Place City Centre Sheffield S1 2GH (19/01910/TEL) has been dismissed.

Office Comment:-

The Inspector concluded that although the siting and appearance of the kiosk would not unacceptably harm the amenity of the locality, or impede pedestrian flows, he considered that the projecting perspex hood on the structure would cause a hazard to blind and partially sighted people and would therefore be detrimental to the safe and efficient operation of the highway.

(ix) To report that an appeal against the delegated decision of the 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 Sheffield City GP Health Centre Rockingham House 75 Broad Lane Sheffield S1 3PB (19/01905/TEL) has been dismissed.

Officer Comment:-

The Inspector concluded that although the siting and appearance of the kiosk would not unacceptably harm the amenity of the Well Meadow Conservation Area, or impede pedestrian flows, he considered that the projecting perspex hood on the structure would cause a hazard to blind and partially sighted people and would therefore be detrimental to the safe and efficient operation of the highway.

(x) To report that an appeal against the delegated decision of the 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 O/S 127 Pinstone Street Sheffield S1 2HN (19/01911/TEL) has been dismissed.

Officer Comment:-

The Inspector concluded that although the siting and appearance of the kiosk would not unacceptably harm the amenity of the city centre conservation area, or impede pedestrian flows, he considered that the projecting perspex hood on the structure would cause a hazard to blind and partially sighted people and would therefore be detrimental to the safe and efficient operation of the highway.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent 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) has been allowed.

Officer Comment:-

The Inspector considered the main issues to be the effect of the proposal on the viability and vitality of the district shopping centre and the effect of the proposal on the character and appearance of the area.

She concluded that there was no substantive evidence to suggest that the vitality and viability of the shopping area would have serious problems. She considered the nearest shopping areas to be in very good health and, given the small size of the unit in question she did not think the proposal would conflict with UDP Policies H10 or S5.

On the issue of character and appearance she noted that there were other small shops interspersed between residential properties in the locality and, given the small scale nature she did not consider that it would result in a concentration of non housing uses in the area, neither did she think that the construction of the ramp would be visually dominant. On that basis she concluded that there would be no conflict with UDP Policy H14.

(iii) To report that an appeal against the delegated decision of the City Council to refuse planning permission for erection of 2x single-storey buildings (Use Class B8 - storage) to house a data centre including 12x air conditioning units, 2x generators, provision of a access gates and 2.4m high fencing at Land Between Sheffield Road And Canal Wharf Road Sheffield S9 1RG (Case No 19/03085/FUL) has been allowed

Officer Comment:-

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

She did not agree with the Council that the buildings would resemble portacabins, rather she thought that they would appear as simple metal clad industrial units and that there would be little visibility of them from Sheffield Road due to landscaping and advert hoardings. She considered that the development would improve the appearance of this unkempt and untidy site.

She therefore concluded that the proposal would not conflict with Core Strategy Policy CS74 or UDP Policy IB9.

5.0 CIL APPEALS DECISIONS

Nothing to report

6.0 ENFORCEMENT APPEALS NEW

Nothing to report

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 for unauthorised erection of a boundary fence and gate facing Ecclesall Road South and facing Whirlow Court at 351 Ecclesall Road South, Sheffield S11 9PX

Planning Inspectorate Ref Appeal A: APP/J4423/C/19/3240405
Appeal B: APP/J4423/C/19/3240406)
has been allowed in part, notice upheld as varied.

Officer Comment:-

The appellant appealed against the notice on ground (f) that the steps required to comply with the requirements of the Enforcement Notice are excessive and lesser steps would overcome the objections and ground (g) that the time given to comply with the notice is too short.

The inspector determined that given that there is no appeal made on ground (a) relating to the planning merits of the fence therefore he was unable to consider an alternative to the steps required by the notice and concluded that the proposal put forward by the appellant would not remedy the breach of planning control that the notice seeks to achieve. Therefore the appeals on ground (f) did not succeed.

With regards to ground (g) the Council did not have any objections to extend the compliance time period from 4 weeks to 8 weeks and therefore the inspector varied the notice to reflect this.

9.0 RECOMMENDATIONS

That the report be noted.

Colin Walker
Interim Head of Planning

23 June 2020