



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 17 November 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
17 November 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 provision of first-floor balcony to front of dwellinghouse at 37 Empire Road Sheffield S7 1GJ (Case No 20/01453/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 demolition of dwellinghouse and erection of two dwellinghouses with associated parking (Resubmission of planning permission 18/02477/FUL) at 499 Loxley Road Sheffield S6 6RP (Case No 20/00500/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 a detached double garage to dwellinghouse at 40 Bridle Stile Gardens Sheffield S20 5EH (Case No 20/01238FUL)

(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 rear and front dormer to dwellinghouse at 26 Logan Road Sheffield S9 4PF (Case No 20/00948FUL)

3.0 APPEALS DECISIONS – DISMISSED

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

Officer Comment:-

The Inspector concluded that, when considered as a whole, the development

would cause unacceptable harm to the character and appearance of the area, with particular regard to the loss of trees on the site which are the subject of a TPO.

This is contrary to UDP Policy GE15 which protects trees and woodlands and requires developers to retain mature trees wherever possible. It also conflicts with criterion f) of Policy BE5, which requires designs to take full advantage of the site's natural and built features, and Policy CS31 of the Core Strategy, which gives priority to safeguarding and enhancing the character of this area, including its natural setting, trees and mature gardens. In addition, the proposal would conflict with paragraph 127 of the NPPF which requires that developments add to the overall quality of the area and are sympathetic to local character including landscape setting.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for replacement of an existing 14.90m monopole with a 20.0m high monopole, ancillary equipment cabinets and associated works at land adjacent 51 Redmires Road Sheffield S10 4LA (Case No 19/03678/FULTEL) has been dismissed.

Officer Comment:-

The appeal site is a grass verge adjacent Redmires Road. The area is primarily residential in nature, with the drop in topography into a golf course opposite giving a semi-rural character. The main issue is the effect of the proposed development on the character and appearance of the area. The Inspector observed that the prevailing characteristic of the area is its openness and concluded that the development would cause harm to the character and appearance of the area in conflict with UDP Policies H14 and BE14 which seek to ensure telecommunications development should be sited and designed so as to minimise its visual impact and is on a scale consistent with the residential character of the area.

The Inspector considered the proposal would also fail to accord with paragraphs 124 and 127 of the NPPF, which combine to require that all development is of good design, adds to the overall quality of the area, is visually attractive and is sympathetic to local character.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for erection of two-storey side extension, single-storey rear extension, alterations to roof to form hip to gable roof, rear dormer extension and formation of front porch at 34 Littleedale Road Sheffield S9 4GB (Case No 19/04203/FUL) has been part dismissed, part allowed.

Officer Comment:-

The Inspector agreed with the Council in that no objection had been raised to the single storey rear extension or the porch. He therefore allowed this element of the proposals (the Council is unable to issue a split decision but the Inspectorate can).

The main consideration therefore was in respect of the two storey side extension with hip to gable roof extension. The Inspector noted that the form of the extension would represent a significant change to the massing of the building in an area where hipped roofs are almost universally retained. He considered that the extension would therefore disrupt the consistent pattern of development and be out of character. He also considered the rear dormer to be dominant and imposing relative to surrounding dwellings. These elements of the proposal were therefore dismissed as being contrary to the UDP, SPG and NPPF.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for erection of 20m monopole and associated equipment cabinets (Application for determination if approval required for siting and appearance) at land at junction of Sandygate Road and Carsick Hill Road Sheffield S10 3LW (Case No 19/04172/TEL) has been dismissed.

Officer Comment:-

The main issue was the effect of the proposal on the character and appearance of the area, including the effect on the setting of the grade II listed Lodge at the junction of Carsick Hill Road and Coldwell Lane.

The Inspector considered that the proposed 20 metre high monopole, with a number of stacked antennas and dishes, would stand significantly above and intrude upon the immediate setting of the Lodge only some 20 metres away, particularly in views from Coldwell Lane where it would appear above the top of the Lodge. Consequently it was found that the siting and appearance of the monopole would fail to preserve the setting of the listed Lodge and would significantly harm the character and appearance of the area, conflicting with UDP Policies H14 and BE14 which require new development in housing areas to be on a scale consistent with the residential character of the area, and require telecommunications development to be sited and designed to minimise visual impact wherever possible. It would also conflict with UDP Policy BE15 which states that development which would harm the character or appearance of Listed Buildings or Conservation Areas will not be permitted.

The Inspector felt that the harm to the setting of the listed building would be less than substantial and should therefore be weighed against public benefits.

Given the NPPF's support for communications infrastructure nationally, the Inspector accepted that there would be considerable public benefits which would arise from the development, but found that the evidence was insufficient to show that there are no alternative sites available which would cause less harm. Consequently, it was concluded that the harm in this case would not be outweighed by the public benefits of the scheme.

(v) To report that an appeal against the delegated decision of the Council to refuse planning permission for erection of a dwellinghouse with associated parking at land to the rear of 16 Newton Avenue Sheffield S36 1EL (Case No 19/03385/FUL) has been dismissed.

Officer Comment:-

The main issues were the effect of the proposed development, which occupies a steeply sloping area of overgrown ground at the end of a cul-de-sac, on the street scene; its impact upon the living conditions of future occupants and neighbours; and whether sufficient information was provided to evaluate coal mining risk and land contamination.

The Inspector considered that the dwelling's immediate proximity to the cul-de-sac would give it a dominant, overbearing quality and make it look out of place in comparison to the neighbouring dwellings, and that the loss of 5 prominent trees would diminish the level of visual separation with the rear elevations of dwellings under construction on adjoining land and adversely affect the character and appearance of the street scene. It would therefore fail to accord with UDP Policies BE5 and H14(a) and Core Strategy Policy CS74.

The Inspector agreed that, as the proposed dwelling would sit 16.5 metres away from the rear elevation of the house to the rear, which sits almost 2-storeys above the appeal dwelling, the occupants of the proposed dwelling would suffer an unacceptable loss of privacy. The development therefore fails to accord with UDP Policy H14(c) which seeks to protect the privacy of future occupants, as well as advice set out in the Council's Designing House Extensions: Supplementary Planning Guidance.

The Inspector also found that the 'Report on Site Investigation' prepared for the planning application submitted some years ago for 6 dwellings on the adjacent site, did not provide sufficient information in relation to the planning application site so the potential risks to human health and the environment could not be properly evaluated.

(vi) To report that an appeal against the delegated decision of the Council to refuse planning permission for new signage to public house including:
A - pole signs; low level roof sign; panel signs; and individual letter sign
B - high level 'Wetherspoon' roof sign at Damons Restaurant 2 Sevenairs Road Sheffield S20 1NZ (Case No 20/01064/ADV) has been dismissed.

Officer Comment:-

The Inspector noted that the advertisement would be attached to the roof of a distinctive, large, circular building and concluded that the sign would detract from the curved roof which is an important architectural feature of the building. He considered that the advertisement would draw the eye and would be a visually dominant addition due to its size, siting and design. The openness of the site would exacerbate the prominence of the sign when viewed from the highway. It would break the skyline and would be an incongruous addition to the building.

He noted that the advertisements associated with the retail park are significantly more discrete than this scheme and that the scheme would result

in an unusual and out of character addition due to the siting of the sign on the roof. The proposed sign would result in the number of advertisements appearing excessive in comparison to the modest advertisements within the area and compared to the advertisements associated with the existing building.

He therefore dismissed the appeal

(vii) To report that an appeal against the delegated decision of the Council to refuse planning permission for single illuminated 48-sheet digital advertisement display unit at Sheffield Parkway, Land Fronting The Gateway, Blast Lane Sheffield S4 7TA (Case No 20/01395/ADV) has been dismissed.

Officer Comment:-

The Inspector concluded that, in combination, the proposal and existing digital hoardings at Park Square would result in a proliferation of advertisements which would detract from the visual amenity of the area. It would result in this section of the highway being dominated by large advertisements that would add a sense of unregulated clutter to the street scene. The proposed advertisement and the existing advertisement situated on Park Square would be clearly visible, in tandem, to drivers approaching the roundabout. He considered that the digital display would result in an unsympathetic addition by reason of its siting and scale and the combined effect with nearby advertisements.

He therefore dismissed the appeal

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the committee decision of the Council to refuse planning permission for erection of a single-storey front/side extension and erection of a rear dormer to dwellinghouse at 9 Hollow Gate Sheffield S35 1TZ (Case No 20/01244/FUL) has been allowed.

Officer Comment:-

The main issue was the effect of the development on the appearance of the host dwelling, a semi-detached stone house, and the area.

The proposed extension projects forward of the house, but the Inspector considered that the materials and simple roof form allowed it to sit comfortably in the street scene and with the existing property.

(ii) To report that an appeal against the committee decision of the Council to refuse planning permission for erection of 17.5 metre high monopole and associated equipment cabinets (Application for determination if approval required for siting and appearance) at Junction Of Fulwood Road And Old

Fulwood Road Sheffield S10 3QG (Case No 19/03991/TEL) has been allowed.

Officer Comment:-

The main issue was whether the siting and appearance of the proposed installation preserves or enhances the character or appearance of the street scene and the Fulwood Conservation Area, having regard to the potential availability of alternative sites.

The Inspector found that the proposed mast would occupy a prominent location towards the brow of the hill on Fulwood Road and would appear as an incongruous addition to the street scene, resulting in less than substantial harm to the Conservation Area.

The Inspector felt that alternative locations for the proposed installation had been satisfactorily explored and that the installation in this location provides a significant public benefit to the wider area and community, to which he attached substantial weight, concluding that the benefits resulting from the proposed development would outweigh the less than substantial harm to the significance of the conservation area.

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:
(a) change of use of the building and land to residential use and;
(b) unauthorised alterations to the building and land to facilitate the change of use of the building to residential use
at Land at Little Intake Farm, Woodhead Road, Grenoside, Sheffield, S35 8RS (Planning Inspectorate Ref APP/J4423/C/20/3249273 has been allowed.

Officer Comment:-

The appellant appealed against the service of an enforcement notice on

grounds (d) that the time when the notice was issued it was too late to take enforcement action.

In an appeal on ground (d) the onus is on the appellant to show that the residential use has occurred continuously for more than 4 years prior to the date the notice was issued.

Various evidence in the form of tenancy agreements and photographs were submitted along with details of a claim in the County Court for an unsecured deposit and rent paid to the appellant, for the property being unsuitable for human habitation. This claim was dismissed, whilst the reason for the judgement was not given but the inspector gave wait that the property was indeed habitable at that time.

The Inspector considered the evidence and concluded that on balance of probability the building was suitable for residential purpose and met the test for providing for the main activities of a day-to -day domestic existence. He also concluded that barn was used for residential purposes continuously for 4 years.

The appeal was allowed, and the enforcement notice was quashed.

9.0 RECOMMENDATIONS

That the report be noted.

Colin Walker
Interim Head of Planning

17 November 2020

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