



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 19 October 2021

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Abby Hartley

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

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 City Council for the refusal of planning permission for the erection of two-storey front extension including porch to dwellinghouse at 47 Vauxhall Road, Sheffield, S9 1LD (Case No: 21/02511/FUL).
(ii) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for the upgrade of existing 48 sheet advert to support digital poster at 4 Fife Street, Sheffield, S9 1NJ (Case No: 21/02028/ADV).
(iii) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for the erection of a single-storey front extension with balcony/terrace above, conversion of existing garage space to form additional living accommodation and alterations to fenestration of dwellinghouse at 8 Ranmoor Gardens, Sheffield, S10 3FR (Case No: 21/01996/FUL).
(iv) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for the erection of a first floor front extension to dwellinghouse at 6 Ashfurlong Drive, Sheffield, S17 3NP (Case No: 21/01774/FUL).
(v) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for the erection of detached single garage with under floor storage to side of dwellinghouse at 2 Stephen Drive, Grenoside, Sheffield, S35 8QY (Case No: 21/01018/FUL).
(vi) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for the demolition of single-storey side extension and erection of two-storey side extension to dwellinghouse at 39 Stanwood Crescent, Sheffield, S6 5JA (Case No: 21/00879/FUL).
(vii) An appeal has been submitted to the Secretary of State against the City

Council for the refusal of planning permission for the demolition of outbuildings and erection of single-storey rear extension and rear undercroft garage/store with associated alterations to ground levels, provision of ramp, landscaping and associated works at 117 Machon Bank, Sheffield, S7 1GQ (Case No: 21/00480/FUL).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for 1x internally illuminated digital advertising screen at City Gate, 8 St Mary's Gate, Sheffield, S1 4LW (Case No: 21/00893/HOARD) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the advert on amenity. He noted the prominent position of the building and the highly elevated nature of the proposed sign, being visible in long and short range views. He concluded that this would be an incongruous addition to the façade of this tall building and would sit awkwardly on the architectural composition of the building. He therefore agreed with the LPA's decision and dismissed the appeal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of a 15m high Phase 8 monopole with the provision of associated cabinets and ancillary works (Application to determine if approval is required for siting and appearance) at land 104 metres south of 40 Blackbrook Road, Sheffield, S10 4LP (Case No: 21/00847/TEL) has been dismissed.

Officer Comment:-

The Inspector considered the main issues to be the effect of the siting and appearance of the pole and cabinets upon the character and appearance of the area and whether the applicant has undertaken a suitable search of alternative sites.

They concluded that the mast would be seen as a tall, imposing and intrusive form of development at the brow of a hill detracting unacceptably from the pleasing order and relatively contained nature of street apparatus in this part of Blackbrook Road.

They also noted that the appellant had not considered or discounted to a satisfactory degree the potential to use private property in the area and to this extent found that the search and assessment of alternative sites was not robust.

(iii) To report that an appeal against the delegated decision of the Council to

refuse planning permission for the erection of 18m monopole with associated cabinets (Application for determination if approval required for siting and appearance) at land at Rushby Street, Sheffield, S4 8GN (Case No: 21/00058/TEL) has been dismissed.

Officer Comment:-

The main issue was the effect of the siting and appearance of the proposal on the character and appearance of the area. The Inspector found that the large size and utilitarian appearance of the proposed equipment would appear out of scale and overly prominent within its immediate residential setting, compounded by the elevated position of the appeal site on Rushby Street.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for the removal of existing displays and erection of internally illuminated LED digital display screen at Air Outdoor Media Ltd, Advertising Right adjacent 250 Sheffield Road, Tinsley, Sheffield, S9 1RD (Case No: 20/03771/HOARD) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the proposal on the visual amenity of the area. He noted that the hoarding would be in a prominent position close to traffic lights and that it would dominate the surrounding area in terms of size and height. Other adverts in the area are much smaller. He concluded that the illuminated advert would be incongruous and dominant, would be poorly located and have a negative impact on the area. He therefore dismissed the appeal.

(v) To report that an appeal against the delegated decision of the Council to refuse planning permission for an outline planning application (seeking approval for all matters except landscaping) for the erection of 9 apartments in a 1 x 3/4 storey block with provision of new access and associated car parking accommodation at land at Crookes Road / Weston View, Sheffield, S10 5BZ (Case No: 20/01240/OUT) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the proposal on a) the provision of open space, with particular regard to opportunities for recreation; and b) the character and appearance of the area.

She noted the site was an area of amenity grassland at the entrance to a mixed residential and leisure development, prominent in views from Crookes Road and identified as Open Space by the UDP.

She noted CS47 seeks to prevent loss of open space where a shortage exists and where no replacement is being provided, and that CS47 accords with the aims of paragraph 99 of the NPPF.

Whilst noting the open space was private land that could be restricted from access, it is currently open with no evidence of enclosure likely, and it provides visual amenity with opportunity for recreation, providing informal open space. A strong desire line exists across the site and it is used for informal exercise, including dog walking and it was clearly valued by local residents, including those in neighbouring flats with limited private provision. She felt the loss of the open space would exacerbate the significant shortfall in open space provision locally.

She considered the opportunities for recreation locally were limited to formal sports provision or parks that were a significant walk from the site and did not compensate for the loss of the appeal site.

The green space offers a welcome visual break in an otherwise hard built environment and is an integral point of a designed landscaped setting for the adjacent development. She agreed with the Council that the development would remove this feature and due to its size and position the building would have significant visual impact and would diminish the sense of place and local distinctiveness.

In summary on the main issues, she therefore concluded the development would exacerbate an existing shortfall in open space and harm the character of the area in conflict with policies LR5, BE5 (UDP), and CS47, CS74 (Core Strategy).

She then considered the Planning Balance, noting that at the time of the decision on the application, Sheffield had a 5.4 year supply of housing, but following the 35% uplift imposed in the summer of 2021, the Council had acknowledged this had now fallen to 4 years. She considered this a significant shortfall that meant the 'tilted balance' had come into effect as prescribed in paragraph 11 of the NPPF.

She noted that in the context of Sheffield having to provide over 2900 dwellings a year to meet its housing targets, the additional 9 units proposed would make a modest contribution, and that the economic benefits of construction activity would weigh in favour of the proposal to a modest degree.

She considered all other aspects of the scheme (including impact on the adjacent Broomhill Conservation Area, highway impact, living conditions, biodiversity impact) to be neutral, but gave considerable weight to the loss of open space and impact on the character of the area, as the policies identifies above related closely to the aims of the NPPF in respect of access to high quality open space and opportunity for recreation, and for developments to add to the quality of the area.

She concluded the adverse impacts on open space and the character of the area would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the NPPF as a whole, and dismissed the appeal.

(vi) To report that an appeal against the Committee decision of the Council to refuse planning permission for the Demolition of existing dwellinghouse and erection of a dwellinghouse at Bennett Cottage, Mayfield Road, Sheffield, S10 4PR (Case No: 17/02756/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issues to be:

- whether or not the appeal proposal is inappropriate development in the Green Belt;
- the effect of the appeal proposal on the openness of the Green Belt;
- whether or not there is any other harm, with particular regard to the effect on local landscape character and heritage; and
- if inappropriate development, whether or not any harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the appeal proposal.

While the appeal proposal would sit lower in the landscape than the existing building group and be cut into the sloping bankside, the Inspector felt that, overall, the proposed dwelling would be perceived as a materially larger single building mass in comparison to the existing range of buildings that would not be sufficiently off-set by the proposed reduction in floor levels, materials or the level of containment and screening that could be achieved through landscaping measures. Consequently, the proposal would have a greater spatial and visual impact on openness than the existing development and would not, therefore, meet any of the exceptions to inappropriate development in the Green Belt.

The Inspector found that the reduction in openness would be limited, and result in limited harm, given the relatively small visual envelope when viewed in the context of the extensive Green Belt setting and having regard to the proposal's position within the plot relative to the surrounding countryside and settlements, but concluded nonetheless that the appeal proposal would not preserve the openness of the Green Belt.

With regard to local landscape character, the Inspector found that the appeal proposal would result in the loss of a traditional farmstead which positively contributes to the local distinctiveness of the area, and that the form of the replacement dwelling, by virtue of its roof design, regularity of footprint and low solid to void ratio does not adequately articulate the prevalent character of the built fabric that makes up this important landscape context. Regardless of the level of innovation and eco credentials and having regard to the narrowness of the visual envelope within which this loss and the replacement dwelling would be observed, the Inspector concluded that the appeal scheme would erode the special character and appearance of the landscape causing significant harm to the character and appearance of both the Area of High Landscape Value and the Area of Special Character.

The Inspector noted that the appeal building is a former farmhouse which dates back to the 18th century and that, despite the later 19th and 20th century modifications, additions and rebuilding, its outward appearance is of a traditional form and materials which contribute positively to the character and appearance of its particular rural context, given great importance through the Area of High Landscape Value and the Area of Special Character designations.

The Inspector was not convinced that the building group does not have potential to qualify as a non-designated heritage asset. The Inspector agreed that the heritage value of the building group has been reduced given the subsequent alterations but concluded that its important qualities have not been obliterated and that, despite its current physical state, the appeal site continues to contribute positively to the defining characteristics of the surrounding historic landscape context.

The Inspector concluded that the total loss of this non-designated heritage asset has not been adequately justified in the context of paragraph 130 of the NPPF, which states that planning decisions should ensure, amongst other things, that developments add to the overall quality of the area, are visually attractive, are sympathetic to local character and history while not preventing or discouraging appropriate innovation or change and establish and maintain a strong sense of place, and in conflict with policy BE20 of the UDP which encourages the retention of historic buildings which are of local interest but not listed.

In summary the Inspector concluded that there were no considerations to clearly outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt, and the identified heritage and landscape harm and that very special circumstances have not been demonstrated to justify the appeal proposal. It was considered that the adverse impacts arising from the appeal proposal would significantly and demonstrably outweigh the benefits of the scheme when assessed against the Framework taken as a whole, including the contribution to the supply of housing, and that both the national and local policies provide clear reasons for refusing the development.

4.0 APPEALS DECISIONS – ALLOWED

Nothing to report.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

(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 which is the unauthorised commencement of development without consent which has now ceased, leaving materials, machinery and storage containers on site at land between 94 and 98 Wheel Lane, Grenoside, Sheffield, S35 8RN (Planning Inspectorate Ref: APP/J4423/C/21/3279433).

7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report.

8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report.

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

19 October 2021