



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: The Head of Planning

Date: 6 December 2022

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 delegated decision of the City Council to refuse planning permission for the replacement of existing advertising billboard display with single sided, internally illuminated digital LED poster display at 198 Brook Hill, Sheffield, S3 7HE (Case No: 22/01693/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 the erection of two-storey side and rear extension, and extension of rear decking at 156 Bevan Way, Sheffield, S35 1RJ (Case No: 22/01436/FUL).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the installation of 15 metre slim line Street pole with built-in cabinet and 3no. separate equipment cabinets (Application for determination if approval required for siting and appearance) at junction of Hartley Brook Road and Beck Road, Sheffield, S5 0GA (Case No: 21/04985/TEL) has been dismissed.

Officer Comment:-

The Inspector considered that the openness of the site, by virtue of the wide pavement and significant setback of houses would serve to emphasise the dominant appearance of the proposed mast. The immediate context provided no meaningful screening and the mast would appear out of scale and keeping in the residential setting, forming an incongruous feature which would adversely affect the character and appearance of the street scene and wider area.

The Inspector was also not satisfied that a thorough review of possible site options within the cell search area had been conducted. The level of detail for discounting sites was vague and without robust justification.

(ii) To report that an appeal against Council for the non-determination of an application for planning permission for the removal of the requirement for turning head (Application under Section 73 to vary condition (2. Approved plans) and remove conditions (15. and 16. Turning head); As imposed by planning permission 19/02364/FUL - Application to relocate the turning head (Application under Section 73 to vary condition No. 2. (approved plans) and to vary condition no's 3. (hard & soft landscape scheme) 6. (scheme of sound insulation works) & 7. (validation testing) as imposed by planning permission No. 15/03924/FUL - Demolition of existing building and erection of three dwellinghouses and garages)) at Navarda House, Shelley House and Jeremy House, Rotherham Road, Halfway, Sheffield, S20 8GL (Case No: 21/04912/FUL) has been dismissed.

Officer Comment:-

The Inspector concluded that not providing the turning head which was required by the planning conditions would give rise to vehicle conflict and have an unacceptable risk to the safety of highway users. This would be contrary to UDP Policies BE9 and BE10 and paragraph 111 of the NPPF. They did not accept that vehicles could easily turn within the existing road, which was the appellant's argument.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of an 18m high Phase 8 street-pole with wrap-around cabinet and provision of associated equipment cabinets (Application to determine if approval is require for site and appearance) at 5G telecommunications pole, Owlthorpe Greenway, 95M from junction with Thorpe Drive, Sheffield, S20 7JU (Case No: 21/04628/TEL) has been dismissed.

Officer Comment:-

The Inspector identified the main issue as being the effect of the development on the character of the area, and whether any harm is outweighed by the need for the installation and a lack of alternative sites.

They noted the mast would be viewed in the context of the open grass verges and two storey gables of residential property and would be significantly taller than the dwellings and neighbouring trees and street furniture and although located away from pedestrian areas, no attempt had been made to integrate the mast and cabinets into the street scene. They concluded it would represent an incongruous feature creating visual clutter and would be harmful to the street scene in conflict with UDP Policy BE14 and H14. Whilst significant weight was attached to the importance of providing for telecommunications, this did not outweigh the harm.

In addition, the Inspector was not convinced by the appellants description of alternative site search and opportunities for mast sharing in that this was not adequately evidenced.

The appeal was therefore dismissed.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of a single-storey building to form an office with parking provision (Use Class E) at land to rear of 192-196 Cundy Street, Sheffield, S6 2WP (Case No: 21/03527/FUL) has been dismissed.

Officer Comment:-

The Planning Inspector concluded that the proposed parking space close to the rear of adjacent residential would result in unacceptable noise and disturbance to residents as a result of noise, disturbance and light pollution from vehicle movements.

The Inspector did not consider that the building would be overbearing, overshadowing or result in a loss of privacy to neighbouring residents owing to its single-storey form.

(v) To report that an appeal against the delegated decision of the Council to refuse planning permission for the demolition of garages/storage buildings and erection of 1no. dwellinghouse including access, landscaping and parking provision at garage site next to 73 Dungworth Green, Sheffield, S6 6HE (Case No: 21/03010/FUL) has been dismissed.

Officer Comment:-

The Inspector did not consider that the proposed dwellinghouse could be considered as infill development given that it was the last developed area of land at the edge of the village and did not fill a gap between built development.

The proposal was considered to be inappropriate development and could not benefit from the exemption at Paragraph 149 (g) of the Framework as it would have a greater impact on the openness of the Green Belt. The Inspector did not find that any special circumstances outweighed the harm to the Green Belt and any other harm was clearly outweighed by other circumstances and so the appeal was dismissed.

(vi) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of 17.5 metre streetpole with 6 no. antennas, 1 no. GPS module and associated cabinets (Application for determination if approval required for siting and appearance) at land adjoining Manor House, 706 Stannington Road, Sheffield, S6 6AJ (Case No: 21/02365/TEL) has been dismissed.

Officer Comment:-

The Planning Inspector concluded that the mast would be clearly seen in

views along the highway and at various vantage points in Stannington Park. The mast would be viewed in the context of an open and green site with low level structures being less than half the height of the mast. The mast would appear as an obtrusive feature and would result in harm to the character and appearance of the area.

The Inspector also found the alternative site search to not be robust enough and was not convinced that a less harmful alternative had been properly explored.

(vii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the demolition of existing buildings and erection of 7-storey office building (Use Class E) with ground floor commercial unit (flexible retail and/or other Use Class E), with associated cycle parking at 39-43 Charles Street and 186-194 Norfolk Street, Sheffield, S1 2HU (Case No: 21/02206/FUL) has been dismissed.

Officer Comment:-

The Inspector considered that the main issues were the effect of the proposed development upon the living conditions of neighbouring occupiers at Berona House, St Paul's Chambers and the Prudential Assurance Building with particular regard to levels of daylight and sunlight, and the effect on outlook; and whether the proposed development would preserve or enhance the character or appearance of the City Centre Conservation Area, having particular regard to the effect on the significance of non-designated heritage assets at Berona House and St Paul's Chambers and the effect on the setting of the Grade II listed Prudential Assurance Building.

On living conditions they concluded that, given the proposed building would occupy the full width of the site for 7 storeys, it would materially worsen the existing poor levels of daylight for Berona House and the Prudential Assurance Building as well as reduce levels of sunlight to St Paul's Chambers and its courtyard. These impacts and the impact on outlook from these properties would adversely affect living conditions and be contrary to UDP Policy S10 and paragraphs 119, 124 and 130 of the NPPF.

On Heritage Impact they concluded that there would be no harm to the Prudential Assurance building but the development would harm the non-designated heritage assets of Berona House and St Paul's Chambers due to the proposed design scale and materials proposed which would fail to respond positively to the prevailing character. This harm would be less than substantial but was not outweighed by the public benefits as they could be potentially derived from a different scheme and there was no viability information to come to a different conclusion.

4.0 APPEALS DECISIONS – ALLOWED

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

refuse planning permission for the alterations/extension to roof to provide additional habitable space including rear dormer with juliette balcony and provision of rooflights to the front elevation at 9 Norton Lees Square, Sheffield, S8 8SP (Case No: 21/05105/FUL) has been allowed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the development upon the character and appearance of the host property and the street scene with particular reference to creating a terracing effect.

They noted the dwelling was a 2-storey property on a street of similar properties many of which were extended, as was the host property, with a 2 storey side extension with hipped roof, which lies immediately adjacent to and abutting a two storey side extension of the neighbouring property (no.7), with a full gable roof form.

The Inspector noted the street scene was dominated by hipped roofs but felt the proximity of the gable at no7 set a precedent for the proposal and felt that a terrace had already been created by the sideward extension of no's 7 and 9 with an absence of any gap. They disagreed with officers that the loss of the 'v' shaped gap between the roofs would be harmful or create an additional impression of terracing. In addition, they acknowledged a slight difference in land level which was a contributing factor.

They did not therefore find conflict with policy H14 of the UDP and allowed the appeal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the installation of 18m high 'slim line' Streetpole with built-in cabinet and 3no. separate equipment cabinets to be positioned alongside existing street furniture (Application for determination if approval required for siting and appearance) at Birley Spa Lane Street Works, Birley Spa Lane adjacent to junction with Dyke Vale Avenue, Sheffield, S12 4EL (Case No: 21/05066/TEL) has been allowed.

Officer Comment:-

The Inspector identified the main issue as being the effect of the siting and appearance of the mast on the character and appearance of the area, and pedestrian movement.

The noted the mast would be located on a grass verge at the junction of Birley Spa Lane and Dyke Vale Avenue, set against a backdrop of trees and hedges. Though the Inspector accepted the mast would be taller than the trees and existing street furniture they did not consider the installation and its cabinets would be intrusive given it was set back significantly from the highway and would be read against the backdrop of the trees. They were therefore satisfied it had been sited to minimise visual impact and avoided harm to the character and appearance of the area, and as such was not in

conflict with policy H14 of the UDP.

The Inspector did not agree that the siting within the grass verge between two footways would result in a narrowing or a perception of the narrowing of the adjacent footways such that would impinge upon pedestrian movement and found it acceptable in this regard.

The appeal was therefore allowed.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

Nothing to report.

7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report.

8.0 ENFORCMENT APPEALS ALLOWED

Nothing to report.

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

6 December 2022

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