



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** The Head of Planning

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**Date:** 20 June 2023

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**Subject:** RECORD OF PLANNING APPEALS  
SUBMISSIONS & DECISIONS

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**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

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**Reasons for Recommendations**

**Recommendations:**

To Note

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**Background Papers:**

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**Category of Report:** OPEN

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## 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 installation of 12 to 14 no. Photo Voltaic (PV) panels on roof, and Electric Vehicle (EV) charging point to parking bay at 28 Alexandra Gardens, Sheffield, S11 9DW (Case No: 22/04524/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 the erection of a single-storey rear extension - the extension will be 6 metres from the rear of the original dwellinghouse, ridge height no more than 3.52 metres and height to the eaves of 2.42 metres at 196 Bannerdale Road, Sheffield, S7 2DT (Case No: 22/04150/HPN).

(iii) An appeal and application for an award of costs has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the partial demolition of and alterations to existing dwelling including: the erection of a two/three storey extension (with glazed link, rooftop terrace and undercroft storage); erection of garden studio (detached); revised parking arrangements; and associated landscaping at 70 Riverdale Road, Sheffield, S10 3FD (Case No: 22/03675/FUL).

(iv) An appeal and application for an award of costs has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the demolition of barn (retrospective) and erection of 1 no. dwellinghouse with associated landscaping and access at Lower Butterthwaite Farm, 125 Butterthwaite Lane, Sheffield, S35 9WA (Case No: 22/01409/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 the erection of a 3 x storey extension at roof top level to existing building to form 6 x 2 bedroomed apartments and 18 x 1 bed apartments at site of former Eon Works, Earl Street, Sheffield, S1 4PY (Case No: 21/04888/FUL).

### 3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for 1 no. internally illuminated free standing pylon sign 6.5m high and 1 no. internally illuminated free standing monument sign 2.38m high at Burger King, Sevenairs Road, Sheffield, S20 1NZ (Case No: 22/03861/ADV) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the proposals on the amenity of the area.

He noted the character of the area was mixed, with commercial signage evident but in a low key and subdued form with little advertising on Sevenairs Road.

He considered the 6.5m pylon sign would be unduly prominent because of it's height and position, at odds with the character and appearance of Sevenairs Road and would be harmful to the amenity of the area.

In terms of the 2.4m monument sign, he considered this somewhat detached from the commercial property and a discordant feature in amongst trees, hedging and grass verges such that it would be harmful to the amenity of the area.

The appeal was therefore dismissed.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the installation of single wall mounted portrait internally illuminated 16-sheet LED advertising display panel (2.8m x 1.92m) at Devonshire Chippy, 280 Ecclesall Road, Sheffield, S11 8PE (Case No: 22/03070/HOARD) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the proposal on the amenity of the area.

He noted the busy commercial nature of the location, with signage predominantly contained within shop fronts at fascia level or in projecting form. In contrast the appeal proposal was for a large format LED panel with changing display on an exposed side gable wall.

Notwithstanding the wide array of advertisements on the road such forms of advertising are not common, and he felt it due to its highly visible location, size and method of illumination, it would appear unduly prominent and have an adverse effect on amenity and dismissed the appeal.

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

refuse planning permission for the erection of an open-sided extension with roof to existing unit for use as storage area and additional open-sided storage unit with roof on existing hardstanding (Resubmission of 21/03947/FUL) at Redcar Brook Company Ltd, Warehouse and Office 80m west of Fern Glen, Hathersage Road, Sheffield, S17 3AB (Case No: 22/02815/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issues to be:-

- a) Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies; and
- b) Whether any harm 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 proposal.

In respect of a) they noted the NPPF establishes the construction of new buildings in the Green Belt is inappropriate by definition, with an exception for extensions to existing buildings where they are not disproportionate. The Inspector rejected the appellant's assertion that the Council's guideline 33% increase (contained in Householder Supplementary Planning Guidance) was relevant and affirmed that the assessment of 'disproportionate' is a matter of planning judgement. The Inspector concluded that a 119sqm (619 cubic metre) addition to a 165sqm building (it's original footprint) would not represent a disproportionate addition and did not meet the exception under para 149c) of the NPPF.

As para 149g) allows for partial or complete redevelopment of previously developed land where it would not have a greater impact on the openness of the Green Belt than the existing development, the Inspector considered this and reasoned that given the proposal involved buildings where there are currently none, spatially this would inevitably have an impact on openness. Visually, the open character and visibility of the site from Hathersage Road led to a conclusion that the proposal would lead to a clear increase in built form on the site and its simple form would not mitigate its visual impact.

Overall on a) the Inspector concluded the development was inappropriate in the terms of para 149 of the NPPF and did not meet any of the exceptions.

With regard to b) they gave some limited weight to the (screening) benefits of new planting contained within the proposals, and the ability to impose a condition removing open storage at the site. They gave moderate weight to the economic benefits of the growth of the business but dismissed comparisons with other examples presented by the appellant.

In considering the limited benefits against the substantial weight that must be afforded to inappropriate development in the Green Belt the Inspector found these did not outweigh that harm such that there was conflict with the Green

Belt policies in the Framework, the Sheffield UDP Policies GE1, GE2, GE3, and GE8, and the Sheffield Core Strategy Policy CS71.

The appeal was dismissed on this basis.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of 15.0m Phase 9 monopole, associated cabinets and ancillary works (Application for determination if approval required for siting and appearance) at land at Broomfield Lane and opposite Bracken Moor Lane, Sheffield, S36 2AQ (Case No: 22/01884/TEL) has been dismissed.

Officer Comment:-

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

The Inspector considered that the mast has the appearance of a structure more often seen in commercial or industrial area and would be harmful to the local context of sports pitches and agricultural fields. The mast would appear dominant in the locality and would create unwelcome clutter that would be harmful to the character and appearance of the area.

The Inspector considered that there was a need for the proposal and that it would have economic and social benefits. However, he indicated the need to strike a balance between impact and need and concluded that in this instance the need and benefits did not outweigh the harm to the character and appearance of the area.

#### 4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the Committee decision of the Council to refuse planning permission for the continuation of use of land as car sales forecourt and vehicle storage area (sui generis), including retention of portable building and container (retrospective application), resurfacing works, and erection of a 2.1 metres high acoustic fence along the south-west edge of the designated storage area and car sales forecourt at 268 Handsworth Road and land to the rear of 270, Sheffield, S13 9BX (Case No: 22/01397/FUL) has been allowed.

The application for an award of costs has been refused.

Officer Comment:-

Substantive Appeal Decision

The Inspector considered the main issue to be the effect of the development on the living conditions of the occupiers of the neighbouring residential properties, with particular regard for privacy of first floor windows.

He noted that the site backed onto rear gardens of residential properties on Parsley Hay Gardens which are relatively short and along with the dwellings are set at a lower level than the appeal site, the edge of which has a clay bund and steep bank which falls away towards the dwellings. He noted the boundaries were formed by close boarded fencing and vegetation.

He acknowledged that residents feel the car sales and vehicle storage use results in overlooking into bedroom windows from staff and customers. He viewed the site from the rear garden and bedroom window of no.20 Parsley Hay Gardens and was able to see the windows of no's 18 and 20 from the appeal site. He was also able to view the site from the garden of no.16 and could see said garden from the appeal site. He considered overlooking was exacerbated by standing on the bund (a raised vantage point).

He noted the proposed fence would be located in a position that would take vehicles further from the dwellings and prevent access to the bund, would markedly limit views to the first-floor windows of 18 and 20 Parsley Hay Gardens, and severely limit the ability to view the gardens of no's 14 and 16.

He considered that whilst the fence would be very tall it would be a significant distance from dwellings and would not reduce outlook or impact on light. As such he concluded that subject to the provision of the fence living conditions would not be significantly harmed.

Although not part of the Council's reason for refusal, residents had raised concerns about noise impact. He noted the noise levels contained within submissions, that residents experience suggested greater harm than stated and that the subjective nature of noise impact means there is not a simple relationship between noise data and experience.

Nonetheless he noted the proposed fence would reduce noise levels significantly such that residents would be likely to experience a significant reduction in noise levels. That being the case he was satisfied there would be no significant harm to living conditions of residents in terms of noise.

He therefore allowed the appeal, imposing conditions in respect of the provision and retention of the fence, limitations on hours of use, drainage and marking out of 'running lanes' within the site.

#### Costs Claim Decision

The Inspector noted advice in para 49 of the national Planning Practice Guidance which makes clear Local Planning Authorities are at risk of an award of costs if they unreasonably delay or prevent development that should be permitted or fail to produce evidence to support a refusal.

The appellant claimed costs on the basis that the Council issued an unsubstantiated refusal contrary to the recommendation of its planning officers.

The Inspector noted the Council's reasons for refusal concentrated on privacy loss for neighbouring dwellings, and that Members had visited the appeal site before reaching that conclusion, noting the presence of the boundary treatment and separation that led the Inspector to conclude the proposal was acceptable.

He confirmed that members were entitled to take a different view having had the benefit of the visit and being aware of an officer recommended requirement to retain the screen fencing meaning they had considered alternative outcomes.

He concluded that Members judgement was exercised reasonably, the reason for refusal was not unsubstantiated, and did not find that unreasonable behaviour and wasted expense on behalf of the appellant had been demonstrated.

## 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 erection of a front dormer extension at 121 Norton Lane, Sheffield, S8 8GX (Our ref: 22/00383/ENUHD Planning Inspectorate ref: APP/J4423/C/22/3312495).

(ii) 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 erection of a front dormer roof extension at 35 Calvert Road, Sheffield, S9 5EU (Our ref: 22/00176/ENUHD Planning Inspectorate ref: APP/J4423/C/22/3312922).

(iii) 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 erection of an enclosed canopy structure on concrete and brick base at 411 - 415 Staniforth Road, Sheffield, S9 3FQ (Our ref: 21/00346/ENUD Planning Inspectorate ref: APP/J4423/C/22/3312962).

(iv) 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 undertaking of operational development being the provision of 9 air conditioning units attached to the north facing elevation of the building at first floor level at 1 Ecclesall Road South, Sheffield, S11 9PA (Our ref: 21/00130/ENUD Planning Inspectorate ref: APP/J4423/C/22/3299518).

(v) 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 to the front of the Land: the erection of a wooden pergola, fencing, two storage containers clad with timber including over hanging canopies (operating as "chaska grill" and "chaska chai"), the provision of decking enclosed by timber balustrading, the erection of timber frames supporting festoon lighting, and the provision of an extraction flue; and to the rear of the Land, a marquee has been erected at 261 Staniforth Road, Sheffield, S9 3FP (Our ref: 20/00335/ENUD Planning Inspectorate Ref: APP/J4423/C/23/3321591)

(vi) 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 erection of a canopy to the side of the premises at 990 Abbeydale Road, Sheffield, S7 2QF (Our ref: 20/00333/ENUD Planning Inspectorate ref: APP/J4423/C/23/3317254).

#### 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

*20 June 2023*