

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To The NORTH & WEST Planning And Highways Committee  
Date Of Meeting: 04/12/2012

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

\*NOTE\* Under the heading "Representations" a Brief Summary of Representations received up to a week before the Committee date is given (later representations will be reported verbally). The main points only are given for ease of reference. The full letters are on the application file, which is available to members and the public and will be at the meeting.

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Case Number	12/02429/FUL
Application Type	Full Planning Application
Proposal	Erection of dwellinghouse with integral garage and associated landscaping
Location	Land Between 30 And 32 Chorley Drive Sheffield S10 3RR
Date Received	02/08/2012
Team	NORTH & WEST
Applicant/Agent	Paul Goudge Design
Recommendation	Grant Conditionally

Subject to:

- 1 The development shall be begun not later than the expiration of three years from the date of this decision.

In order to comply with the requirements of the Town and Country Planning Act.

- 2 The development must be carried out in complete accordance with the following approved documents:

Drawing number 3931/1/12 Rev A  
3931/2/12 Rev A

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 Before the development is commenced, full details of the footpath diversion works shall have been submitted to and approved in writing by the Local Planning Authority, including materials/construction details, any illumination, and temporary arrangements for pedestrians during construction

In the interests of highway and pedestrian safety and the amenities of the locality.

- 4 Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

In order to ensure an appropriate quality of development.

- 5 A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 6 The development shall not be used unless 2.0 metres x 2.0 metres vehicle/pedestrian intervisibility splays have been provided on both sides of the means of access such that there is no obstruction to visibility greater than 600 mm above the level of the adjacent footway and such splays shall thereafter be retained.

In the interests of the safety of road users.

- 7 The development shall not be used unless the car parking accommodation has been provided as indicated on the approved plan, surfaced and drained to the satisfaction of the Local Planning Authority, and thereafter retained/maintained for the sole purpose intended

To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality.

- 8 The gradient of shared pedestrian/vehicular access shall not exceed 1:12 unless otherwise approved by the Local Planning Authority.

In the interests of the safety of road users.

- 9 No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste

on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

In the interests of the safety of road users.

- 10 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any Order revoking or re-enacting that Order, no enlargement, improvement or other alteration or extension of the dwellinghouse; which would otherwise be permitted by Class A to Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 shall be carried out without prior planning permission.

In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage.

- 11 The windows on the side elevations of the dwellinghouse facing No.32 Chorley Drive and No.30 Chorley Drive shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of it shall at any time be glazed with clear glass without the prior approval of the Local Planning Authority.

In the interests of the amenities of occupiers of adjoining property.

- 12 The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced unless otherwise approved by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 13 The Local Planning Authority shall be notified in writing when the landscape works are completed.

To ensure that the Local Planning Authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

H10 - Development in Housing Areas

H14 - Conditions on Development in Housing Areas

GE10 - Green Network

CS24 - Maximising the Use of Previously Development Land for New Housing  
CS26 - Efficient Use of Housing Land and Accessibility

It is considered that the development would not have an adverse impact upon the character and appearance of the area and would not result in unacceptable levels of overlooking or overshadowing. The proposal is of a density appropriate for this part of the city and, in principle the diversion of the footpath raises no pedestrian or highway safety concerns.

The proposed development would accord with Unitary Development Plan Policy H10, H14, GE10 and GE15 as well as Core Strategy Policy CS24 and CS26

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at [www.sheffield.gov.uk/planningonline](http://www.sheffield.gov.uk/planningonline) or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

1. As the proposed development will involve the closing/diversion of a footpath(s) you are advised to contact the City Solicitor and Head of Administration, Town Hall, Sheffield, S1 2HH, as soon as possible with a view to the necessary authority being obtained for the closure/diversion of the footpath(s) under Section 257 of the Town and country Planning Act 1990.
2. To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

If you require any further information please contact Mr S A Turner on Sheffield (0114) 2734383.

3. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980, and dealt with by:

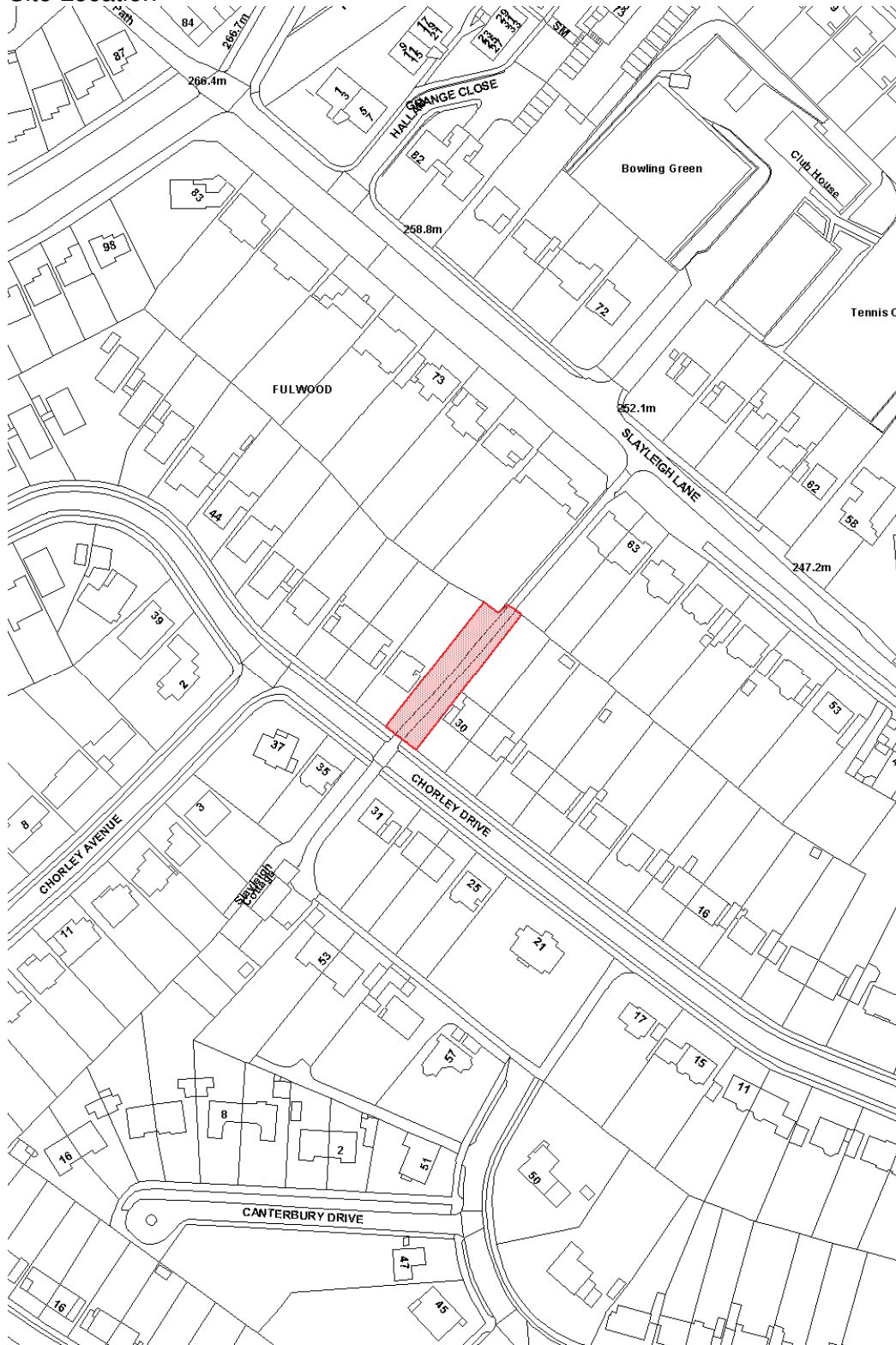
Development Services  
Howden House  
1 Union Street  
Sheffield S1 2SH

For access crossing approval you should contact the Highway Development Control Section of Sheffield City Council on Sheffield (0114) 2736136, quoting your planning permission reference number.

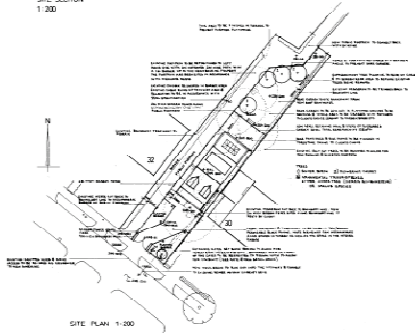
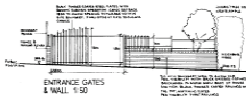
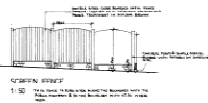
4. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
5. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
6. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk). Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
7. The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at [www.coal.gov.uk](http://www.coal.gov.uk).
8. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at [www.sheffield.gov.uk/planning](http://www.sheffield.gov.uk/planning) or apply online at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

For Listed Building Consent and Conservation Area Consent applications an application for confirmation of compliance with planning conditions is still required but there is no fee.

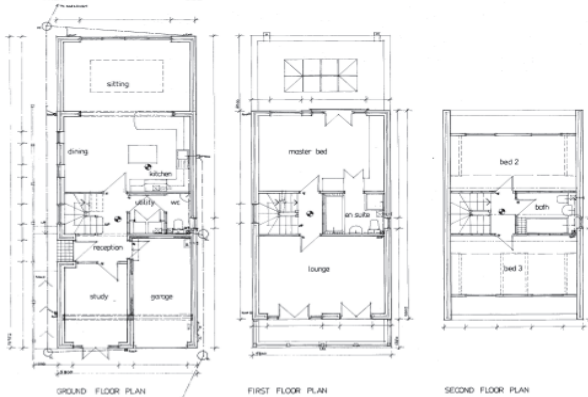
Site Location



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ELEVATIONS



NO.	DESCRIPTION
1	As shown on drawings
2	As shown on drawings
3	As shown on drawings
4	As shown on drawings
5	As shown on drawings
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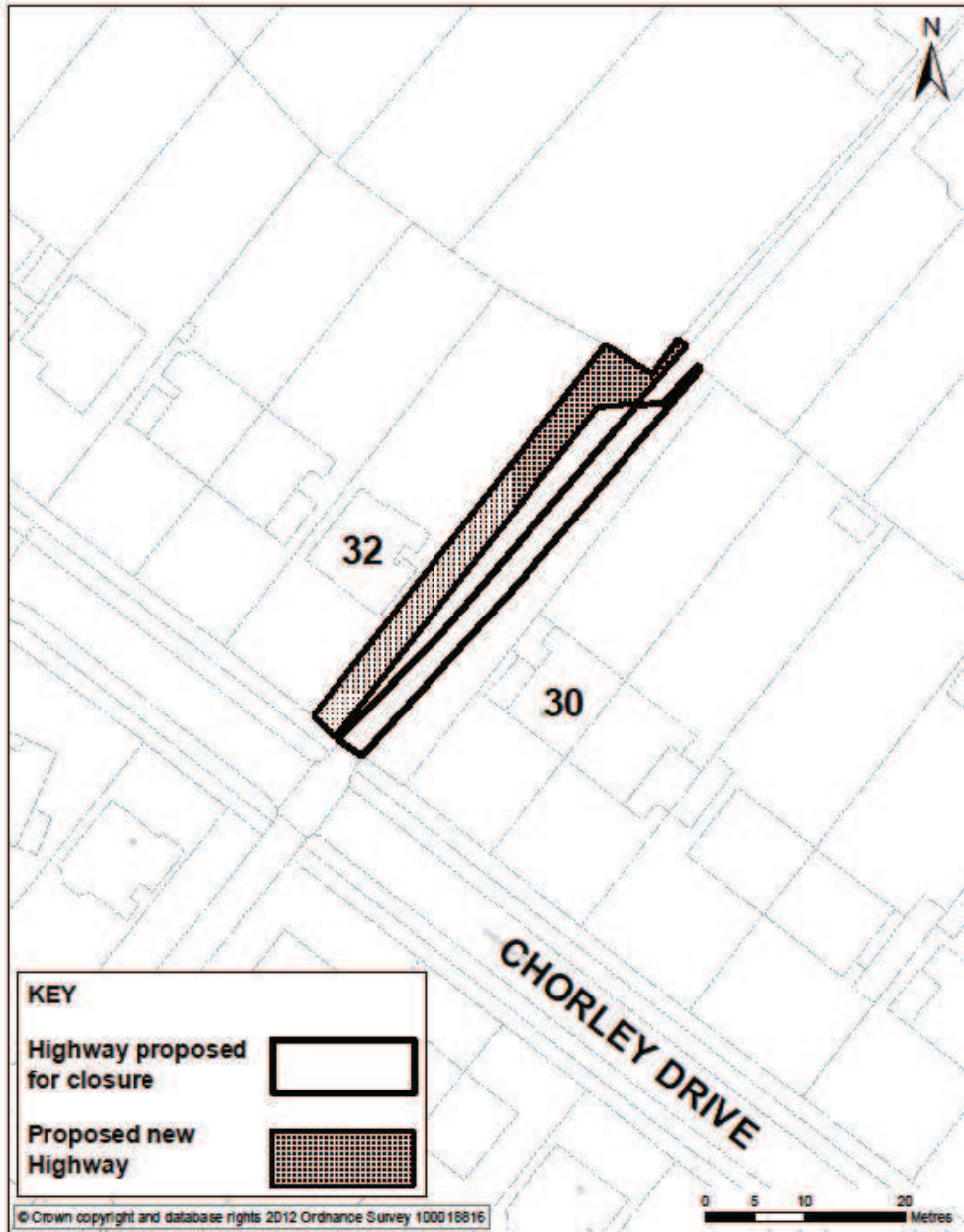




Highway Records  
Development Services  
Howden House  
Union Street  
Sheffield  
S1 2SH

Drawing no.1  
Town & Country Planning Act 1990  
Section 257  
Proposed diversion of footpath  
between Chorley Drive and Slayleigh Lane.

Scale: 1:500





## LOCATION AND PROPOSAL

The application relates to a piece of land between 30 and 32 Chorley Drive. The site has not been previously developed, being the site of a public footpath that connects Chorley Drive to the south with Slayleigh Lane to the north. The site contains several mature trees with beech hedges forming the boundaries with the neighbouring dwellings on either side (to the west is No.32, a detached dwellinghouse and to the east No.30 is a semidetached property).

Planning permission is sought to erect a detached dwellinghouse with an integral garage on the ground floor and accommodation within the roof space, lit by way of dormers on the front and rear elevations. An indicative street scene elevation has been provided which indicates that the dwellinghouse would be of a commensurate height to the properties on either side of the site. A small terrace / balcony would be created on the front elevation to take advantage of the southern aspect.

The existing footpath would be diverted along the side of the property, between the proposed dwellinghouse and No.32 Chorley Drive.

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area and is surrounded by residential properties.

## RELEVANT PLANNING HISTORY

There is no relevant planning history relating to this site.

## SUMMARY OF REPRESENTATIONS

8 emails and letters of representation have been received all objecting to the proposed development. This includes a letter from Cllr Janice Sidebottom and raises the following points:

The site is not wide enough to accommodate a public footpath and a dwellinghouse.

The proposed dwelling is narrow and this is emphasised by the three storey height of the proposed dwelling. As such the property would not be in keeping with the surrounding dwellings and would be contrary to UDP Policy H14, BE5 and Core Strategy Policy CS74.

The development would necessitate the removal of three trees and the replacement trees proposed would not compensate for the removal of the established trees.

The proposed boundary treatment to Chorley Drive is too high, would be out of keeping with the street and may pose highway safety concerns.

The development would introduce a 'dogs leg' into the right of way which at present is straight. This may have implications for personal safety.

The development would be contrary to Core Strategy Policy CS74 and CS31 which were introduced to provide greater control over high density developments within the south west of the city.

The remaining letters are from local residents and raise the following issues:

The proposed dwellinghouse, at three storeys, does not fit in with the surrounding properties and the high gates and fencing to the front elevation would worsen this. In these respects the development would not accord with the National Planning Policy Framework (NPPF) which calls for high quality design.

A bridleway crosses the narrow site and the development would appear cramped.

The addition of a 'dog leg' into the footway may result in accidents as people may not be able to see cyclists, joggers coming round the corner and the proposal may result in anti-social behaviour.

The site is a 'green buffer' and harbours a number of sizeable trees. Although overgrown it has created a haven for wildlife;

The upper floor windows and balcony would result in overlooking to neighbouring dwellings;

The development would result in overshadowing of windows in the side of No.30 Chorley Drive.

The site is a 'green lane' with vehicular access rights.

The development would result in increased surface water run off and the land, being clay would not be able to absorb this.

## PLANNING ASSESSMENT

### Principle of Development

The site is identified on the Unitary Development Plan Proposal Map as being within a Housing Area. UDP Policy H10 sets out that within such areas housing (use class C3) is the preferred use for redevelopment of the site, subject to meeting conditions set out in UDP Policy H14.

Policy H14 sets out that new development will be permitted provided that:

New dwellings are well designed and would be in scale and character with neighbouring buildings;

The site would not be overdeveloped or deprive residents of light, privacy or security or cause serious loss of existing garden space which would harm the character of the neighbourhood.

It would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

Core Strategy Policy CS24 - Maximising the Use of Previously Developed Land for New Housing prioritises the development of previously developed land, requiring that no more than 12% of dwelling completions should be on greenfield sites between 2004/05 and 2025/26. In the period up to 2025/26, housing on greenfield sites can only be developed in certain instances:

- b. on small sites within the existing urban areas and larger villages, where it can be justified on sustainability grounds; and
- d. in sustainably located larger sites within or adjoining the urban areas and larger villages, if annual monitoring shows that there is less than a 5-year supply of deliverable sites.

At present there is less than a 5-year supply of housing land and although the site is a Greenfield site this is no longer sufficient justification to warrant a refusal of the application. The site is within the existing urban area and therefore the proposal may comply with CS24 b and d.

The key point on either of these two conditions is that the site must be sustainable and sustainably located. Paragraph 14 of the NPPF (National Planning Policy Framework) sets out the presumption in favour of sustainable development. It is considered that the site is sustainably located within the built up area and enjoys access to the same facilities enjoyed by an existing community. There are main bus routes within close proximity of the site along Fulwood Road and the site is within walking distance of school, shops and other services. As such it is considered that the proposal does not conflict with policy CS24.

Core Strategy Policy CS26 – Efficient Use of Housing Land and Accessibility sets out that development will be required to make efficient use of land but the density of development should be in keeping with the character of the area. In areas such as this the site would be expected to be developed within the density range of 30 to 50 dwellings per hectare. The density of the proposed development (excluding the relocated footpath) would equate to approximately 28 dwellings per hectare and so the proposed development falls just below the required density level. However, in the interest of maintaining the character of the area, development with a single dwellings as proposed would seem to be appropriate. It is considered that attempting to meet the policy would harm the character of the area and would potentially overdevelop the site. The proposal as it stands is not deemed to be an overdevelopment of the site.

#### Highways Issues

At present a public footpath runs up the centre of the site which will need to be formally diverted, with the developer/applicant funding all legal costs and construction of a new path on a revised alignment (which would be adopted and maintained at public expense), thereby creating the space for the proposed dwelling. In principle there is no reason why the footpath cannot be diverted as indicated on the submitted application drawings. The footpath would be of

adequate width and it is considered that the bend in the footpath would not pose any pedestrian safety issues.

The mechanism for securing the diversion (re-routing) would be via Section 257 of The Town & Country Planning Act. The argument/reason for closure is to facilitate development. A perfectly acceptable alternative route will be constructed by the developer.

Accordingly, if Members are minded to approve this application they are also requested to confirm that:

No objections are raised to the proposed diversion of the Adopted Public Footpath linking Chorley Drive with Slayleigh Lane required to facilitate this development, as shown on Drawing no. 1 attached to this report, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services which may be affected.

Authority be given to the Director of Legal Services to take all necessary action to divert the footpath using the powers contained in Section 257 of the Town & Country Planning Act 1990 and, in the event of no objections being received or any objections received being resolved, for the Order to be made as an Unopposed Order.

The proposed dwellinghouse itself would have an integral garage of sufficient size to park a car as well as ample room to park a car clear of the highway on the drive in front of the property.

It is considered that the proposed development raises no highway safety concerns and in these respects accords with UDP Policy H14.

#### Design of Development

The proposed dwellinghouse would provide accommodation over three levels, with the upper floor being located within the roof. The development would follow the existing building line, being set back from the highway the same distance as the properties on either side.

The applicant has submitted an indicative street scene elevation showing the property to be of the same overall height as the properties on either side.

There is some variation in the street scene. To one side of the site is a detached dwellinghouse and to the other a semi-detached dwellings. These both have hipped roofs, however 4 doors up from the site is a dwellinghouse with a gable to the side (as proposed by this application) and next door to that a property with a front facing gable. There are also properties three door down from the proposed development with dormers on the front elevation.

The applicant wishes to have small balcony / terrace area on the front elevation of the property and has provided evidence of similar balconies within relatively close

proximity to the site, around the corner on Chorley Avenue as well as further to the south on Canterbury Crescent and Hallamshire Drive.

The property would be largely of red brick construction, with off-shots to the front and rear having a rendered finish. The roof tiles proposed would match those of the properties to either side. Again there is variation on the street scene with a mixture of brick, render and pebble dashed properties all in evidence.

Concerns have been raised as to the impact that the front boundary treatment would have upon the character and appearance of the area with most properties having a fairly open feel. The applicant has indicated that the front boundary would be a wall less than 1m in height with railings above. Higher fencing is proposed to the sides, and the gates would be set back from the highway. Plants, including a replacement tree are to be planted within the front garden and these would be visible through the railings. As such the property would retain a reasonably open feel whilst maintaining a degree of security. The front boundary treatments are thereby considered to be acceptable.

The proposed dwellinghouse does not seek to replicate what is on either side; however this in its own right is not a reason to refuse the application. As discussed above, elements of the design can be seen within the area. It is considered that the proposed development would not be injurious to the visual amenity of the area.

#### Tree Issues

The development would necessitate the removal of several trees that currently occupy the site and a tree report has been submitted in support of the application.

Although the trees in question do contribute to the green character of the neighbourhood, they are not deemed in their own right worthy of protection by way of a Tree Preservation Order (TPO). Replacement planting is proposed with a single tree to the front and 4 further trees within the rear garden.

It is considered that the removal of the trees would not significantly affect the character and appearance of the area and the development would not result in serious ecological damage. Replacement planting would assist in maintaining a green link for wildlife.

It is therefore considered that a refusal of the application on the grounds of being contrary to UDP Policy GE10 – Green Networks or GE15 - Trees and Woodlands cannot be justified.

#### Residential Amenity Issues

As already mentioned the proposed development would follow the existing building line to the front. As such there would be a distance of around 30m from the front elevation of the property and the proposed balcony / terrace to properties on the opposite side of Chorley Drive. This is considered to be adequate separation to ensure that unacceptable levels of overlooking do not occur. In addition the applicant has indicated that the balcony of the terrace would have an etched glass

finish which would ensure some privacy for users of the balcony, whilst reducing any perception of being overlooked (when people were to be sitting down on the balcony very little of them would be visible from the highway / across the road). It is considered that overlooking across the street would not be significantly greater than exists between properties at present.

The main bulk of the property would also be approximately in line with the properties to either side with a flat roofed single-storey off-shot projecting 3.6m beyond the main rear elevation. Upperfloor windows would therefore not result in any greater overlooking of neighbouring gardens / properties to the rear than currently exists along the street. The development would not breach the '45 degree rule' as set out in the Council's Supplementary Planning Guidance on Designing House Extensions and it is considered that the development would not give rise to unacceptable levels of overshadowing or loss of light to the windows to the rear of the properties on either side.

No. 30 Chorley Drive has a hall window on the side elevation on the ground floor as well as a bathroom and w.c. window on the upper floor. The garage to the side of No.30 would ensure that a gap is maintained and the proposed dwellinghouse is not to be built right up to the site boundary. The level of light entering these windows may be affected by the proposal (the light may actually be increased as the tall trees along the site boundary would be removed); however these are not classed as 'habitable room windows' and so the usual separation distance of 12m from a blank wall to a habitable room window is not applicable. The situation would no worse than elsewhere where it is quite usual to have non-habitable room windows on side elevations with only a drives width between properties.

It is considered that a refusal of the application on these grounds cannot be justified.

To the other side No.32 has a dormer on the side elevation that looks onto the application site. This appears to serve a room that has been created above the garage of this property. The view from this window would be affected by the proposed development; however it is considered that given the relative orientation of the dwellings the proposal would not give rise to unacceptable levels of overshadowing of this window. Whilst an objection has been received from the occupiers of this property, the grounds of overshadowing of this window have not been cited.

Windows are proposed on the side elevations of the new dwellinghouse; however these would serve staircases, bathrooms etc. These are not habitable rooms. To ensure that overlooking from these windows cannot occur it is recommended that a condition be attached to any consent requiring these windows to be obscure glazed.

#### RESPONSE TO REPRESENTATIONS (where necessary)

Issues raised in the representation have been dealt with in the main body of the report above.



Drainage issues would be covered by the Building Regulations; however the applicant has indicated that the front drive and forecourt would be paved using permeable block paving to reduce rainwater run off and the rear garden would be utilised to soak away surface water from the property.

## SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of a dwellinghouse on a piece of land which is currently occupied by a public footpath. As such the footpath would need to be diverted.

It is considered that the development would not have an adverse impact upon the character and appearance of the area and would not result in unacceptable levels of overlooking or overshadowing. The proposal is of a density appropriate for this part of the city and, in principle the diversion of the footpath raises no pedestrian or highway safety concerns.

The proposed development would accord with UDP Policy H10, H14, GE10 and GE15 as well as Core Strategy Policy CS24 and CS26. It is thereby recommended that planning permission be granted with conditions.

If Members are minded to approve this application they are also requested to confirm that:

No objections are raised to the proposed diversion of the Adopted Public Footpath linking Chorley Drive with Slayleigh Lane required to facilitate this development, as shown on Drawing no. 1 attached to this report, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services which may be affected.

Authority be given to the Director of Legal Services to take all necessary action to divert the footpath using the powers contained in Section 257 of the Town & Country Planning Act 1990 and, in the event of no objections being received or any objections received being resolved, for the Order to be made as an Unopposed Order.

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