



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 25 August 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
25 August 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 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)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for internal/external alterations and extension to building to create 27no residential units (key worker accommodation) with associated access, car parking and landscaping including demolition of internal walls/external stairwells and link at Loch Fyne 375 - 385 Glossop Road Sheffield S10 2HQ (Case No 18/04524/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 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)

(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 two-storey side extension, single-storey front extension and stepped access to rear of dwellinghouse at 40 Dobcroft Avenue Sheffield S7 2LX (Case No 20/00376/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 erection of a dwellinghouse with associated parking at land to the rear of 16 Newton Avenue Sheffield S36 1EL (Case No 19/03385/FUL)

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for application erection of a dwellinghouse (Amended Plans Received January 2019) at curtilage of 25 Pickard Crescent Sheffield S13 8EY (17/04593/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issues to be whether the proposal would be inappropriate development in the Green Belt; the effect of the proposal on the character and appearance of the area (including loss of trees); and whether there are very special circumstances to justify the proposal.

Whilst the site is within the Green Belt, it is in an established housing estate which was built on the site of a former college. Nevertheless the Inspector concluded that the development would be inappropriate by definition as it does not involve limited infilling in a village setting or the redevelopment of previously developed land.

He noted that the garden area proposed to be developed was specifically retained as a large area to allow a group of mature trees to be integrated into the development and from part of a TPO imposed in May 2001. These trees make a significant contribution to the character of the area and the development would result in the loss of two of them.

He concluded that the proposal would be inappropriate development in the Green Belt and it would cause harm to the character and appearance of the area as a result of the loss of the protected trees. This would be in conflict with the UDP, the Core Strategy and the NPPF.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for erection of two-storey/single-storey side extension with roof terrace, car port, bin store and bike store (resubmission of planning application 19/01721/FUL) at Aldersyde 317 Psalter Lane Sheffield S11 8WA (19/03054/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issue as being the effect of the proposed development on the character and appearance of the host property and the surrounding area, with particular regard to the proportions of the first floor.

He noted the strong rhythm of the terrace with vertical protruding bays a key feature. He agreed with officers that the flat roofed horizontal proportions of the proposed addition were at odds with the vertical proportions of the terrace and would create a discordant and disproportionate relationship with the host dwelling and wider street scene and dismissed the appeal.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for application for Part B: 1 internally illuminated fascia sign at Unit A2 Meadowhall Retail Park Attercliffe Common Sheffield S9 2YZ (19/02014/ADV) has been dismissed.

Officer Comment:-

The Inspector noted that the proposed advert would be more prominent than previous signs given its rectangular box design. It would also not be centrally positioned, instead being located to one side of the bay which would result in an unbalanced appearance in relation to the architectural features of the building, which would only be partially screened by landscaping when viewed from Attercliffe Common.

They concluded that the advert would harm the visual amenity of the area and would be contrary to UDP Policy BE13 and paragraph 132 of the NPPF.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for removal of 12.0m monopole and erection of 20.0m monopole supporting 12no antenna apertures, 7no equipment cabinets and associated works at Telecommunications Mast at junction with Silkstone Crescent Silkstone Road Sheffield S12 4RQ (19/02279/FULTEL) has been dismissed.

Officer Comment:-

The Inspector considered that the main issue in this case was the effect of the development on the character and appearance of the area. They noted that the site is a grass highway verge in front of a large nature reserve and public open space, bounded by mature trees and hedgerow. There is an existing 12 metre monopole adjacent to the site.

They noted that the proposed mast would be significantly taller than the existing one, with a bulkier base, and would tower above existing structures in the street as well as being substantially taller than the trees so it would visually intrusive and out of scale. The number of cabinets would also increase and be larger, resulting in additional clutter.

The Inspector also noted that there was a lack of technical information in relation to the search for alternative sites, which was also weighed against the proposal.

They concluded that the development would harm the character and appearance of the local area and that the benefits of the proposal did not outweigh this harm. The proposal was therefore judged to be contrary to the UDP, Core Strategy and NPPF.

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

refuse planning permission retention of front dormer extension to form additional living accommodation to house of multiple occupation (Resubmission of 19/01105/FUL) at 5 Cemetery Avenue Sheffield S11 8NT (19/03966/FUL) has been dismissed, as has a claim for costs that was submitted by the appellant.

Officer Comment:-

Main Appeal

The Inspector identified the key issue as being the effect of the development upon the character and appearance of the appeal site and its surroundings.

He noted that the appeal site formed part of a terrace of dwellings of similar design, a high proportion of which contained front dormer windows of varied size and design which were material to its character.

In contrast to the majority of other dormers, which were of a distinctive pattern, he considered the proposed dormer (under construction) to be excessive in its bulk and massing, and to contain a modest element of glazing compared with the extent of cladding.

He therefore agreed with officers that this represented unacceptably harmful development to character and appearance of the house and the surrounding area, and dismissed the appeal.

Costs

The appellant claimed costs on the basis the Council had acted unreasonably in disregarding similar development to that proposed within the immediate vicinity, which it felt reflected guidelines, and had been inconsistent in its decision making on such matters.

The Inspector noted the officer's report had referenced the 'similar' developments referred to, had produced a complete, precise, specific and relevant reason for refusal and that the decision was a matter of judgement, made taking account of neighbouring circumstances and relevant policy and guidance.

He therefore considered the Council had adequately substantiated its reason for refusal, and not put the appellant to unnecessary expense. In doing so he dismissed the costs claim as the Council had not acted unreasonably.

(vi) To report that an appeal against the delegated decision of the Council to refuse planning permission for Outline application (all matters reserved) for residential development at Beighton Breakers Old Station Yard Rotherham Road Beighton Sheffield S20 1AH (18/02149/OUT) has been dismissed.

Office Comment:-

The Inspector noted that the main issue was whether the site represents an

appropriate location for the proposed development having regard to its flood zone location.

The site is within Flood Zone 1 and 2 on the published flood map but the EA has confirmed that the latest modelling puts it in Flood Zone 3a. There is no evidence to the contrary so the Inspector has treated it as Flood Zone 3a. The Sequential Test submitted by the appellant has limited information or justification for its scope. There is no detailed analysis of specific evidence relating to sites in the SHLAA. The Inspector therefore concluded that the proposal fails the Sequential Test.

On this basis alone the proposal is contrary to Core Strategy Policy CS67 and Paragraphs 155 and 158 of the NPPF and it was not necessary to consider other matters.

vii) To report that an appeal against the delegated decision of the Council to refuse planning permission for retention of a rear dormer window and rear boundary walls, and application to erect rear external stairs to first floor flat (amended description 16/09/2019). 331 & 331A Baslow Road Sheffield S17 4AD (19/02706/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue was whether the development would preserve or enhance the character and appearance of the Totley Conservation Area.

They noted the modest terraced form of the dwellings, their traditional detailing and an absence of additions such as dormers, walled enclosures and staircases. It was also noted that the appeal buildings were identified as buildings of townscape merit in the Conservation Area Appraisal.

They agreed with officers that the absence of similar features on a traditional terrace represented a discordant addition that had an adverse impact. This caused harm to the heritage asset for which there was no public benefit.

The inspector therefore concluded the works failed to preserve or enhance the appearance of the Conservation Area and dismissed the appeal.

(viii) To report that an appeal against the delegated decision of the Council to refuse planning permission for removal of 14.5m monopole and equipment cabinets and erection of 20.0m high monopole supporting 12 no antenna apertures, and associated equipment cabinets (To be sited to the front of Ecclesall Medical Centre, Millhouses Lane) (Amended Description) at Junctions Of Knowle Lane And Ecclesall Road South, Millhouses Lane And Woodholm Road Sheffield S11 9SH (19/04101/FULTEL) has been dismissed.

Officer Comment:-

The Inspector noted the main issue as being the effect of the development on

the character and appearance of the area.

They noted the proposal was located in a pleasant residential setting where tall street furniture was less prevalent than the existing location, and that the 20m mast would be very prominent and tower over neighbouring features, resulting in a strong presence on the skyline. Views would be evident over a long distance and, they concluded, would have significant adverse impact on the townscape. They agreed with officers that the agglomeration of cabinets would add to the negative visual impact.

The Inspector also noted the importance the NPPF gives to the effective development of telecommunications equipment., but also that evidence should be provided of need for the mast at the proposed location. The Inspector concluded that the appellant's submitted evidence was weak in terms of sequential site selection, and extent of search area.

They therefore concluded that there was insufficient weight to attach to the benefits of granting the proposal over the identified harm to visual amenity. They therefore dismissed the appeal.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for replacement of 2no. windows to front of dwellinghouse (resubmission of planning application 18/03005/FUL) at 80 Brincliffe Edge Road Sheffield S11 9BW (Case No 19/03229/FUL) has been allowed.

Officer Comment:-

The Inspector identified the key issue as being whether the development would preserve or enhance the character and appearance of the Nether Edge Conservation Area.

They noted the character of this part of the Conservation Area included rows of dwellings in traditional materials set back from the highway with front gardens behind stone boundary walls, with vertically proportioned windows and doors. The contribution of traditional windows and doors to the character of the Conservation Area was also noted, as was the presence of the Article 4 Direction in order to retain such character.

They noted the appeal property did not contain sliding sash windows but timber casement windows with a central mullion and cross glazing bars with a high opening transom.

The Inspector did not agree with officers that the use of 'stick on' glazing bars and the thicker profile of the proposed replacement frames would be readily noticeable from the street and would not therefore cause harm to the appeal

property, or wider street.

As such they concluded there was no harm and the proposals would preserve the character and appearance of the Nether Edge Conservation Area.

(ii) To report that an appeal against the delegated decision of the City Council to refuse planning permission for erection of 2x single-storey buildings (Use Class B8 - storage) to house a data centre including 12x air conditioning units, 2x generators, provision of a access gates and 2.4m high fencing at Land Between Sheffield Road And Canal Wharf Road Sheffield S9 1RG (Case No 19/03085/FUL) has been allowed.

Officer Comment:-

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

She noted that the site is unkempt and subject to fly tipping, close to the M1 Junction with Sheffield Road.

Whilst the data centre would comprise single storey buildings and emergency generators and air conditioning units in between she did not consider that they would be out of place in this predominantly commercial area and disagreed that they resembled portacabins.

Given their location behind hoardings and landscaping she did not think they would be out of character and she felt that the development would significantly improve the appearance of the area, given its currently unkempt appearance.

She therefore allowed the appeal as she felt there was no conflict with UDP Policy IB9, Core Strategy Policy CS74 or the NPPF.

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

Nothing to report

9.0 RECOMMENDATIONS

That the report be noted.

Colin Walker
Interim Head of Planning

25 August 2020

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