

---

Case Number	20/02057/FUL (Formerly PP-08833038)
Application Type	Full Planning Application
Proposal	Erection of two dwellings with associated access, parking and landscaping (Amended Plans)
Location	Land Between 94 and 98 Wheel Lane Grenoside Sheffield S35 8RN
Date Received	25/06/2020
Team	West and North
Applicant/Agent	Oakleaf Architecture Ltd
Recommendation	Grant Conditionally

## **Time limit for Commencement of Development**

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

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

## **Approved/Refused Plan(s)**

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

A(PL)-108 rev A - Wheel Wash location  
A(PL)-101 rev A - Existing site plan (red and blue line)  
A(PL)-102 rev A - Proposed site plan  
A(PL)-001 rev B - Plans and elevations (House one)  
A(PL)-002 House two, Proposed plans and elevations  
A(PL)-105 rev C - Proposed Street Scene and Elevation.

Reason: In order to define the permission.

**Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)**

3. No demolition and/or construction works shall be carried out unless the approved equipment 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 have been provided. The wheel washing facilities shall remain available at all times during construction works.

Reason: In the interests of the safety of road users.

4. No development shall commence until full details of the finish floor, garden, parking area and access road levels have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of the appropriate development of the site and amenities of adjoining properties.

### **Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)**

5. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details that have been submitted to and approved by the Local Planning Authority. Thereafter the approved surface water drainage works shall be installed and retained.

Reason: To ensure that the site is properly drained and in order to prevent overloading and surface water discharge from entering the foul sewer network

6. If any unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service should be contacted immediately. A Remediation Strategy shall then be submitted to and approved in writing by the Local Planning Authority before any works recommence. Works shall thereafter be carried out in accordance with the approved Remediation Strategy.

Reason: In the interests of the safe development of the site and amenity of future residents.

7. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing, layout and marking out of the car parking accommodation and the surfacing of the access road shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be used unless the car parking accommodation has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

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

8. The development shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the development commencing, and shall thereafter be retained.

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

9. Within 3 months of the commencement of development full details of the design, height, appearance and location of the proposed driveway gates and their method of operation shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be provided in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained. The gates shall be designed so that when open they do not project over the adjoining footway.

Reason: In the interest of highway safety.

10. 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 any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

11. 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.

Reason: In the interests of the visual amenities of the locality.

12. Boundary treatments are not approved. Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before above ground works commence, or an alternative timeframe to be agreed in writing by the Local Planning Authority and the dwellinghouses shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

Reason: In the interests of the visual amenities of the locality.

## **Other Compliance Conditions**

13. The flat roofed area to the rear of house one and two shall not at any time be used as a balcony, roof garden or similar outside amenity area.

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

14. The first floor window in the side elevation of house one facing No.98 Wheel Lane and the first floor window in the side elevation of house two facing No. 94 Wheel Lane shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of the window shall at any time be glazed with clear glass.

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

15. The dwellings shall be constructed in accordance with the materials specified on the approved drawings.

Reason: In the interest of the visual amenity of the area.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwellinghouses shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage of house two and the stepped nature of the curtilage of houses one and two.

## **Attention is Drawn to the Following Directives:**

1. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
2. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on

Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, Howden House, Union Street, Sheffield, S1 2SH, tel. 0114 2734651.

3. 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 on the Council website here:

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

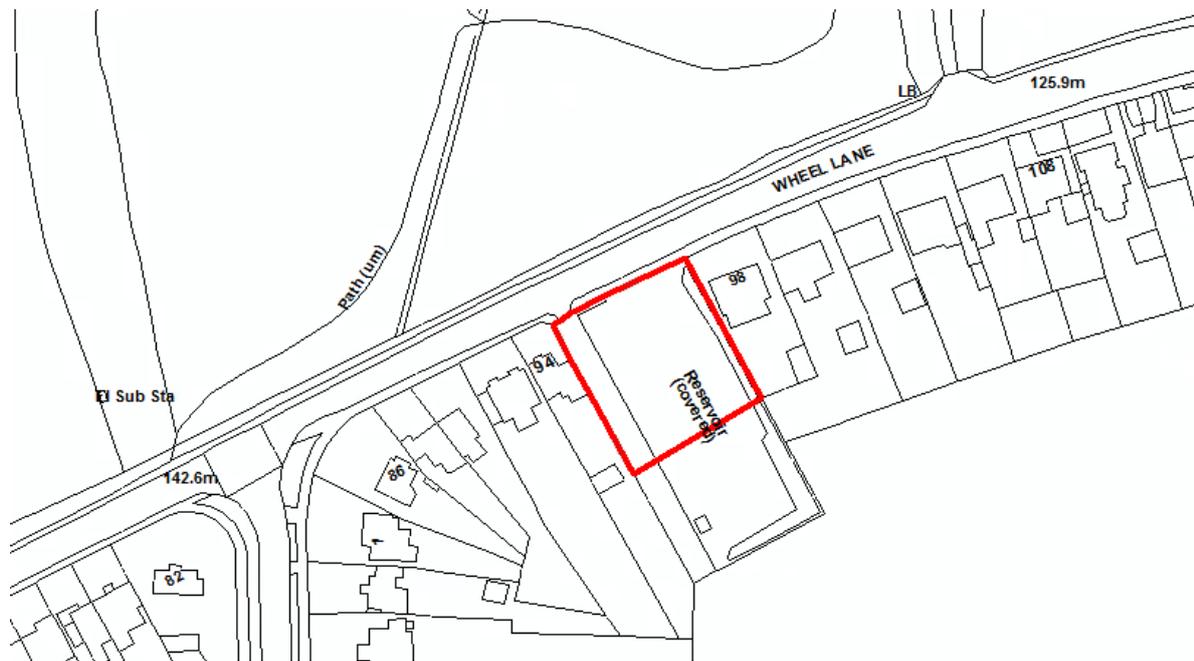
The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk)

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.

4. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
5. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process.

Please note: You must not start work until you have submitted and had acknowledged a CIL Form 6: Commencement Notice. Failure to do this will result in surcharges and penalties.

## Site Location



© Crown copyright and database rights 2016 Ordnance Survey 10018816

## LOCATION AND PROPOSAL

This application relates to a parcel of land between No's 94 and 98 Wheel Lane at Ecclesfield. It is the site of a former covered reservoir and is enclosed by stone walls on all sides. The site has been cleared and accommodates two storage containers (unauthorised). Concrete footings were poured for one dwelling approximately 18 months ago, however they are unauthorised following the courts decision to quash planning consent ref: 18/00924/FUL.

The application site covers an area of approximately 0.2 hectares, all of which is in a Housing Area as defined in the adopted Sheffield Unitary Development Plan (UDP). The applicant owns additional land to the rear of the application site. This land is in the Green Belt and does not form part of the application site.

The main part of the application site is elevated above Wheel Lane and retained by a 1.8 metre high stone wall. Generally, levels rise from east to west, following the topography of the street, and gradually increase towards the rear (south) of the site. Ground levels have been altered by previous foundation and site clearance work.

In 2007 and 2010 outline and full planning permission for two dwellings was granted, however the permissions were not implemented.

More recently an application for a detached dwelling house (18/02229/FUL) and a subsequent revised scheme for two detached dwellings (19/03073/FUL) were refused. The applicant has appealed the council's decision to refuse application ref: 19/03073/FUL. The planning Inspectorate is still considering the appeal at the time of writing this report.

As amended full planning consent is again sought for two dwellings with associated access and landscaping.

## RELEVANT PLANNING HISTORY

06/04610/OUT	Erection of two dwellinghouses and garages – Granted Conditionally.
09/03060/FUL	Erection of 2 no. detached dwellinghouses (amended plans received 8/12/09) – Granted Conditionally.
18/00924/FUL	Erection of 1 no. dwellinghouse (Amended Description and Plans) - Granted - Decision quashed by the courts.
18/02229/FUL	Erection of a dwellinghouse (Re-submission of planning permission 18/00924/FUL) (Amended plans 01.10.2018) - refused.
19/03073/FUL	Erection of 2no. Dwellings with associated parking - Refused (Appeal in progress)

The above application was refused for the following reasons:

1. The Local Planning Authority considers that the proposed development would, as a result of its height and general massing, fail to suitably respect the established character of the immediate surroundings, with a particular note to

the proposed ridge height relative to the adjacent properties, and would therefore represent an incongruous feature within the established street scene. As a result, the development is considered to be contrary to Paragraphs 124 & 127 of the National Planning Policy Framework, Section a) of Policy H14 & Policy BE5 within the adopted Sheffield Unitary Development Plan and Policy CS74 within the Sheffield Development Framework Core Strategy.

2. The Local Planning Authority considers that, owing to the large scale of the rear single storey element of house one and its proximity to no. 98 Wheel Lane, when taking account of factors such as the orientation with this neighbouring property, which is set to the east, and the difference in land levels, with no. 98 Wheel Lane being on lower ground, the proposal would have an imposing and unacceptable overbearing and shadowing impact on this neighbouring property. As a result the development is considered to be contrary to Paragraph 127 of the National Planning Policy Framework and Section c) of Policy H14 within the adopted Sheffield Unitary Development Plan.
3. The Local Planning Authority consider that the proposed development would constitute an overdevelopment of a site of restricted dimensions owing to the size of house two and the site access arrangement proposed. The development therefore results in insufficient amenity space and an unsatisfactory environment for occupiers of house two. This development is therefore contrary to Policy H14 (c) of the Unitary Development Plan and paragraph 127 of the National Planning Policy Framework.

## SUMMARY OF REPRESENTATIONS

24 letters of objection and 2 letters of support have been received (26 in total). In some cases multiple letters have been received from the same address.

The issues raised are summarised as follows:

- There have been very few changes from the previous applications which were unanimously rejected by the Planning Committee.
- The scheme does not comply with the Council's recommendation on application ref: 19/03073/FUL.
- The development is out of keeping with the character of the area and dwarfs neighbouring properties.
- The site is being overdeveloped; the gardens are too small for the size of the dwellings proposed.
- The scheme will overshadow, overlook and affect the light, privacy and amenity of adjoining properties.
- French doors at rear provide access on to a flat roof which could lead to overlooking.
- Boundary fencing will be overbearing and overshadow adjoining dwellings detrimentally affecting their living conditions.

- The size, scale and massing of the dwellings is not appropriate; their overall height should be reduced, as should ground levels to reflect adjoining properties.
- The buildings now resemble blocks of flats, is there an intention is to convert them to flats in the future?
- The plans are inadequate and misleading as crucial dimensions have been omitted from the drawings.
- Substantial parts of the property's gardens are in the Green Belt and should not be built on or tended as a domestic garden.
- As cars exit the site they will disrupt the flow of traffic on Wheel Lane where traffic moves very fast.
- Two parking spaces are inadequate for five bedroom houses.
- Gates clanging open and shut and frequent use of the drive by vehicles will cause disturbance.
- One dwelling would be more appropriate.
- Two shipping containers have been placed on the site without permission.
- Concerns that the footings laid previously without permission will be used.
- Four water metres have been installed.
- The developer should not benefit from CIL self build exemption.
- The dwellings proposed will not address the need to provide smaller homes form down-sizers and newly forming households in Ecclesfield as identified by the Council.
- Supporters of the application do not live in the area and don't provide reasons for their support.
- The site was a beautiful tranquil landscape home to a colony of bats.
- Large structures could give rise to retaining wall and stability issues.
- Paying too much for the land does not justify such large dwellings.
- Developers have the right to make a profit but not at the cost or detriment to local residents.

#### Ecclesfield Parish Council

- The Parish Council do not oppose the development of this site, the current proposal is not however suitable for the location and should be refused.
- Out of character with neighbouring properties
- The size, siting, height and massing would have a negative impact on the character and amenity of the areas.
- Concerns with overlooking, loss of privacy, inadequate parking and impact on the Green Belt.
- The development is contrary to adopted local and national planning policies and would a have an unacceptable impact on local infrastructure.
- The planning committee is urged to visit the site prior to making a decision to better understanding the effect of the application.

#### Grenoside Conservation Society

- Objections are the same as for the previous applications.
- Scale, mass, size and design of the houses remains unacceptable
- The dwellings are overbearing and out of character with the street scene and Green Belt.

- It is imperative that the Green Belt boundary is clearly marked as new owners will utilise Green Belt land for outdoor space based on the size of the houses proposed.
- Site must be developed in a sympathetic manner.
- Members should visit the site.

In support (2)

- The application is supported (no detail provided).
- There is a national shortage of housing and this development makes use of brownfield land.
- The scheme has been altered to take account of neighbour's complaints.
- The site is currently a blot on the landscape.

A further round of consultation was carried out in September following the submission of amended plans. An additional 21 letters of objection were received. All but one representation has been made by people who previously commented on the application. Only the issues that have not been raised before have been summarised:

- There has been no material change in the plans.
- Insufficient reduction in the height of the properties.
- The development still shows an intention to use the unauthorised foundations.
- The Green Belt should be preserved at all costs.
- The ground levels should be reduced as indicated in the 2006 consent.
- Ridge heights should reflect the road gradients and adjoining properties.
- Previous proposal (approved) did not include extensions to the rear.
- There have been material alterations to the plans since the 2006 consent.
- Traffic calming measures were introduced on Wheel Lane due to excessive traffic speeds.
- Three storey properties are proposed without taking account the elevated site levels.
- The development will do nothing to alleviate the city's affordable housing shortage.

Grenoside Conservation Society

- Previous objections remain.

Ecclesfield Parish Council

- Previous objections remain.

## PLANNING ASSESSMENT

Policy Context

The National Planning Policy Framework (NPPF/Framework) sets out the Government's planning priorities for England and describes how these are expected

to be applied. The key principle of the Framework is the pursuit of sustainable development, which involves seeking positive improvements to the quality of the built, natural and historic environment, as well as in people's quality of life. The following assessment will have due regard to these overarching principles.

The documents comprising of the Council's Development Plan (UDP and Core Strategy) date back some time and substantially pre date The Framework. Paragraph 12 of the Framework does however make it clear that a presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

The Framework (paragraph 213) also identifies that existing development plan policies should not simply be considered out-of-date because they were adopted or made prior to its publication. Weight should be given to relevant policies, according to their degree of consistency with the Framework. The closer a policy in the development plan is to the policies in the Framework, the greater the weight it may be given.

The assessment of this development also needs to be considered in light of paragraph 11 of the Framework, which states that for the purposes of decision making, where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date, planning permission should be granted unless:

- The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or
- Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

This is referred to as the "tilted balance".

In addition to the potential for a policy to be out of date by virtue of inconsistency with the Framework, paragraph 11 makes specific reference to applications involving housing. It states that where a Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer (which for SCC is 5%, pursuant to para 73 of the Framework) the policies which are most important for determining the application will automatically be considered to be out of date. Set against this context, the development proposal is assessed against all relevant policies in the development plan and the Framework below.

#### Principle of Development

The application site is entirely within a designated Housing Area as defined by the Unitary Development Plan (UDP). Policy H10 of the UDP identifies housing as the preferred use of land in these areas. The principle of the development is therefore acceptable from a land use perspective.

The land to the rear of the site within the blue line on the submitted plans is in the applicant's ownership. This land is in the Green Belt but does not form part of the application site and no development is proposed in the Green Belt as part of this scheme.

### Housing Land Supply

The Framework requires local authorities to identify a 5 year supply of specific 'deliverable' sites for housing. CS22 of the Core Strategy sets out Sheffield's housing targets until 2026; identifying that a 5 year supply of deliverable sites will be maintained. However as the Local Plan is now more than 5 years old, the Framework requires the calculation of the 5-year housing requirement to be undertaken based on local housing need using the Government's standard method.

Sheffield has updated its housing land supply based on the revised assessment regime, and now has a 5.1 year supply of deliverable housing units in accordance with the requirements of the Framework. The government still however attaches significant weight to boosting the supply of new homes.

In the balance of this decision the small but still positive contribution two houses would have on the City's obligations to maintain a 5 year housing land supply is attributed weight, particularly given how narrow the 5 year supply is.

### Housing Density

Core Strategy Policy CS26 encourages making efficient use of land to deliver new homes at a density appropriate to the location depending on relative accessibility. The highest density of development is promoted in the most sustainable/accessible locations.

The policy is considered consistent with paragraph 122 of the Framework which promotes the efficient use of land subject to the consideration of a variety of factors including housing need, availability of infrastructure/sustainable travel modes, desirability of maintaining the areas prevailing character and setting, promoting regeneration and the importance of securing well designed and attractive places. The site is approximately 0.22 hectares and the two dwellings proposed results in a density of 9 dwellings per hectare. This falls below the recommended density identified in policy CS26; however the development is considered comparable to the density and pattern of development of existing housing on Wheel Lane.

Taking account of the size of the site and the desirability of maintaining the areas prevailing character, purely from a density perspective the erection of two dwellings on this site is considered acceptable.

### Previously Developed Land

Within the NPPF definition of previously development land it is made clear that a site will be excluded from being classed as previously developed if 'the remains of the permanent structures or fixed surface structures have blended into the landscape.'

The unauthorised footings do not establish that the site is previously developed - there remains some ambiguity as to whether the site is classed as previously developed, or not. For completeness both scenarios are considered as follows;

- If Previously Developed

Core Strategy Policy CS24 (Maximising the use of previously developed land for new housing) states that priority will be given to the development of previously developed sites. Furthermore the NPPF promotes making effective use of land in meeting the need for homes (para 117) and gives substantial weight to the value of using suitable brownfield land within settlements for new homes (para 118 c) and promotes the development of under-utilised land.

- If Not Previously Developed

Core Strategy Policy CS24 states that no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/05 and 2025/26. It goes on to state that in the period to 2025/26, housing on greenfield sites will only be developed in certain circumstances, including on small sustainable sites within existing urban areas or larger villages.

Completions of properties on greenfield sites have not reached the 12% stated in CS24 and are closer to 5%. Moreover, the development is considered to be on a sustainably located small site and makes efficient use of land taking account of site constraints.

Unlike CS24, which stipulates a proportionate prioritisation of brownfield land, the Framework actively promotes the reuse of Brownfield or previously developed land but does not specifically advocate a 'brownfield first' approach. Given this, policy CS24 carries reduced weight. Nevertheless, in both scenarios the proposals are considered to comply with both CS24 and the Framework, which places great emphasis on boosting the supply of homes.

## Design, Layout and Impact on the Street Scene

Chapter 12 of the Framework is concerned with achieving well-designed places and paragraph 124 identifies that good design is a key aspect of sustainable development.

Paragraph 127 of the Framework which is concerned with design sets out a series of expectations including ensuring that developments:

- add to the quality of the area;
- are visually attractive as a result of good architecture, layout and landscaping;
- are sympathetic to the local character and surrounding built environment;
- establish and maintain a strong sense of place; and
- optimise the potential of a site and create places that are safe, inclusive and accessible.

Paragraph 130 of the Framework makes it clear that permission should be refused

for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Policies CS74 of the CS and UDP policies BE5, H14 and H15 all seek to secure high quality developments which are of an appropriate scale and which enhance the character and appearance of the area. These policies are reflective of the aims of the Framework and continue to carry substantial weight.

The history relating to the grant of full and outline planning consent for two dwellings on this site is acknowledged. However the more recent decision of the Planning and Highways Committee to refuse permission for two dwellinghouses in November 2019 (ref: 19/03073/FUL) is considered material when assessing the merits of this revised scheme.

The part of UDP Policy H14 which is most relevant to design and street scene states that new development will be permitted where they are well designed and in scale and character with neighbouring buildings and where the site would not be overdeveloped. UDP Policy BE5 'Building Design and Siting' also provides design guidance stating good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions. Section a) of Policy BE5 notes that original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings.

Core Strategy Policy CS74 'Design Principles' (e) expects high quality development which contributes to place making and is of a high quality.

Two dwelling houses are proposed. House 1 is located adjacent to No.98 Wheel Lane and house 2 is located adjacent to No.94 Wheel Lane. Both dwellings front Wheel Lane and the front elevations are generally aligned with the siting of other dwellings in the street.

The character and external appearance of other dwellings in the street scene is varied. Each of the proposed dwellings is two storeys in height and includes accommodation in the roof. Notwithstanding concerns with the scale and massing of the previous development, there were no in principle objections to the external appearance of the scheme. Some changes are however proposed as part of this application. The previously proposed dwellings were to be faced in a traditional red brick. An off white render is now proposed with a blue brick base. Render is used widely in the surrounding area (including on an adjoining property) and is considered to be acceptable. The dark blue brick does not extend above the ground floor windows and provides a robust finish to the base of the dwellings where they intersect with the ground.

Fenestration detailing has been simplified by omitting ground floor bay windows as well as head and cill detailing and front doors are proposed, where they were previously on a side elevation. As with the previous schemes dormer windows are proposed to the front and rear. A dark grey/black finish to the dormer cheeks and windows frames is proposed.

There were no in principle to objections to the external appearance and detailing of previously proposed dwellings and there remain no objection to the contemporary external appearance of this revised scheme.

The majority of properties along this section of Wheel Lane are elevated above the street, as would be the case with the dwellings proposed. Some properties further to the south accommodate garages at a lower ground floor level, accessed directly from the road. Considering this it is not reasonable to insist that site levels are reduced to the carriageway level as a number of objectors have requested. Indeed it could be argued that such an approach is out of character with this part of the Wheel Lane.

Wheel Lane falls in an east west direction and the ridge line of existing properties generally staggers to reflect the incline of the street. The height difference between properties is not consistent but does have a rhythm. There are however dwellings of differing scale in the locality including two storey properties to the east and west. The site is flanked by No.98 which is a dormer bungalow and No.94 a traditional single storey bungalow, both of which have pitched roofs.

The previous reason for refusal specifically identified that the development would represent an incongruous feature in the established street scene owing to the overall height and massing of the development with particular reference to the excessive ridge height relative to No.98 Wheel Lane.

The ridge height of house 1 under planning ref: 18/0229/FUL was 3.6 metres higher than the corresponding ridge of No.98. Under application ref: 19/03073/FUL the ridge of house 1 was 3.195 metres higher than the corresponding ridge of No.98. The previous proposals did not significantly reduce the overall scale/height of the dwellings, with particular reference to their relationship to No.98 and were therefore refused.

The applicants now propose to reduce the overall scale and height of house 1 by lowering the site levels and reducing the height of the property. As amended the ridge of house one is approximately 2.3 metres taller than the ridge of No. 98 Wheel Lane. The corresponding ridge of house 2 is 2.3 metres taller than house 1.

The height (eaves and ridge) of No.98 Wheel Lane has been increased in the past. The ridge of No.98 is approximately 2.3 metres taller than the neighbouring dwelling No.100 Wheel Lane. The relative ridge height of No. 98 Wheel Lane and house 1 is now very similar to the difference between No.100 and No.98 Wheel Lane (2.3 metres).

The change in scale between No.98 and house 1 is no longer considered to be excessive. The dwellings better reflect the sloping topography of Wheel Lane and the general stepped roof form of dwellings in the locality.

House 2 remains taller than No.94 Wheel Lane; however the site access road provides a significant degree of separation between the dwellings. The overall reduction in the footprint, width and depth of the proposed dwellings increases the

space between house 1 and house 2, and the gable end of house 2 and No.94 Wheel Lane. When the above is considered alongside the proposed reduction in site levels 1, the overall height and massing of the dwellings is now considered to be acceptable. The development is no longer considered to represent an incongruous feature in the street scene.

#### Amenity Issues

Paragraph 127(f) of the Framework identifies that development should create places with a high standard of amenity for existing and future users. Development should also be appropriate for its location taking account of the effects of pollution on health and living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development (paragraph 180).

Policies H14 (Conditions on Development in Housing Areas) and H15 (Design of New Housing Developments) are considered to align with the Framework as they expect new housing developments to provide good quality living accommodation to ensure that basic standards of daylight, privacy, security and outlook are met for existing and future residents. These local policies are therefore afforded weight.

#### Overbearing and Overshadowing

The scale of the single storey element of the previously proposed dwelling (house 1) adjacent to No. 98 Wheel Lane was considered to have an imposing and unacceptable overbearing and overshadowing impact on No.98 as it is at a lower level than the application site.

In order to address this issue the applicants have reduced the finished floor and associated ground levels of house 1 so that they now reflect the finished floor and garden level (closest to the rear elevation) of No. 98. In addition the depth of both the two storey and single storey elements of both houses have been reduced. These amendments remove any unacceptable overbearing and overshadowing of No.98.

The two-storey element of house 1 was not identified to have an unacceptable impact on the amenities of No.98 as part of the previous application, consequently it did not form part of the reasons for refusal. Similarly, the two storey element of house 1 in this revised scheme is not considered to have an unacceptable impact on the amenities of No.98. In fact, any perceived impact is lessened by the reduction in site levels; depth and footprint of house 1.

The width of the site access road provides sufficient separation between house 2 and No.94 Wheel Lane to prevent any unacceptable overbearing, overshadowing or loss of light from occurring. The reduction in the footprint and width of house 2 increases the separation distance between the gable wall and the corresponding side elevation of no.94 from approximately 6.9 to 8 metres.

There are windows in the side elevation of No.94 overlooking the access road, however these are not primary windows to main habitable rooms and they are reliant on light from third party land.

Taking account of the above, and the fact that house 2 is located at a slightly lower level and situated to the east of No.94 no unacceptable overshadowing, overbearing or over dominance is considered to occur.

### Overdevelopment

The Council do not have any specific minimum space standards. Some general guidance is however provided on this issue in the adopted Supplementary Planning Guidance for Designing Houses Extension, which identifies that 50 square metres of garden space should be provided for a two or more bedroom dwelling to avoid the overdevelopment of a plot. As the SPG relates to house extensions the principles set out within the document are used as guidance only when considering proposals for new dwellings. The impact a proposal has on the character of the area and the amenities of existing and future residents are the primary considerations in determining if the site will be overdeveloped.

Only 50 sq. metres of private amenity space was provided with house 2 as part of the previous application. This was considered insufficient for the size of the dwelling proposed, resulting in an overdevelopment of the site.

Each of the dwellings proposed (as amended) still contain 5 bedrooms and associated living space, distributed over three floors including the roof space. The site access arrangements are unchanged from the previous scheme; parking for both dwellings is to the rear in a shared parking court.

The applicants have sought to address the overdevelopment issues by reducing overall footprint of each house. As a result, house 2's private rear garden has been increased by 36 sq. metres and is now approximately 86 sq. metres in area.

The amenity space remains smaller than house 1 and other dwellings in the immediate locality, however it now provides future occupants with a more useable amount of private garden space. It is also akin to the size of gardens associated with more modern forms of housing where there is a drive to make more efficient use of land.

The garden of house 1, which was previously found to be of an acceptable size, remains largely unchanged. It is approximately 142 square metres and is terraced to reflect the changes in site levels. The garden is a similar size to the rear private amenity space of No.98 Wheel Lane.

The proposal is no longer considered to represent an overdevelopment of the site. An appropriate balance has been struck between making efficient use of the site, providing amenity for future residents, protecting the amenities of existing residents and the character of the area. It is however recommended that permitted development rights are removed to prevent the erosion of the garden space and to protect the amenities of adjoining properties due to the terraced nature of the gardens.

### Overlooking

Window openings are proposed at ground and first floor level in the side elevations of each dwelling. The ground floor window in the east elevation of house 1 facing no.98 provides light to an office and is set off the site boundary behind an existing stone wall or new boundary treatment which will prevent overlooking. The first-floor window provides light to a dressing room and can be obscured.

The windows in the side elevation of house 2 provide light to an office at ground floor and walk in wardrobe at first floor. The ground floor window will be largely obscured by the retained boundary wall and the upper floor window can be obscured. As these windows overlook the site access road they are not considered to cause any harmful overlooking.

The alignment of the dwellings is similar to the neighbouring properties. The principle orientation is over the public highway and the proposed rear garden/parking areas. This will not lead to any harmful overlooking over and above what is considered reasonable in residential areas.

Juliette balconies are proposed at first floor level to the rear of each dwelling. In terms of overlooking the impact of Juliette balconies is similar to that of a traditional window opening as access is not permitted (secured by condition) onto the flat roof element of each dwelling. No harmful overlooking or other amenity issues will arise from these features of the development.

The lowering of the site levels reduces the ability for future occupiers of house 1 to see over the existing stone boundary wall with No. 98 Wheel Lane. However site levels vary and increase towards the rear of the site, as do No.98's and so it will be necessary to provide some screening fencing or alternative boundary treatment of a minimum of 1.8 metres in height to maintain privacy levels. The provision of such boundary treatment would accord with permitted development rights for the enclosure of land. Given this and the land level differences across the site it is not considered that the impact of a new fence would be materially different to the relationships between existing properties in the locality and is therefore acceptable.

The boundary treatment will not result in any significant overshadowing or overbearing of adjoining properties.

#### Other Amenity Issues

The access road to the site adjoining No.94 is flanked on both sides by a stone wall that is approximately 1.4 metres high. No.94 is elevated above the level of the access road and part of the site boundary is supplemented with hedge planting which screens the rear garden. It is not considered that the vehicle movements associated with two dwellings would be excessive or give rise to any unacceptable noise and disturbance to either of the adjoining properties.

Appropriate bin storage is indicated within the curtilage of each property. Domestic waste will be taken down the track to the highway for collection. Details of the site access gates are to be controlled by condition and their operation is not considered to have any harmful effect on the living conditions of adjoining properties.

The reduction in site levels and the overall size and footprint of both dwellings is considered to mitigate any harmful impacts on the adjoining properties. Adequate private amenity space is now proposed for each dwelling. The proposal is now considered acceptable from an amenity perspective.

## Highway Issues

The Framework (paragraphs 102 to 111) promotes sustainable transport. Paragraph 108 specifically requires that when assessing applications for development it should be ensured that a) appropriate opportunities have been taken up to promote sustainable transport modes given the type of development and the location, b) safe and suitable access to the site can be achieved for all users and c) any significant impacts from the development on the transport network or highway safety can be cost effectively mitigated.

Policy CS51 'Transport Priorities' within the CS sets out six strategic transport priorities for Sheffield and CS53 'Management of Demand for Travel' identifies a variety of ways in which increased demand for travel will be managed across the City. Policies H14 and H15 of the UDP, which are primarily concerned with housing development, expect sites to be adequately served by transport facilities, provide safe access, appropriate parking and to not endanger pedestrians.

The existing access to the site from Wheel Lane is to be utilised. The access road is approximately 5.5 metres in width which is sufficient to enable two vehicles to pass each other (and for construction vehicles to access the site). The proposed security gates will be set back 6 metres from the highway to allow vehicles to pull clear off the highway when entering the site. Space is available for vehicles to turn within the shared parking area at the rear of the site to allow vehicles to exit onto Wheel Lane in a forward gear.

Congestion and highway safety concerns in this area are acknowledged, however the number of vehicle movements associated with two dwellings is not considered to have any unacceptable impacts on highway safety and certainly no cumulative impacts on the highway network which would be classed as 'severe', which are the NPPF tests in this respect. The proposed sight lines from the vehicle access point are considered to be satisfactory.

The submitted plans indicate that two parking spaces are provided for each dwelling. This meets the maximum parking standard for a five bedroom property as set out in the Council's latest Car Parking Guidelines published in August 2016. Although not shown on the submitted plans, there appears to be space to accommodate a third vehicle to the rear of each plot if necessary.

There are no on-street parking restrictions in place immediately adjoining the site, although speed reduction warnings (lines and paint) are present on the road surface. Any additional parking demand over and above what would normally be anticipated with two 5 bedroom dwellings could be reasonably accommodated on street without affecting highway safety. Additional parking on the access road could be accommodated without impeding access to either plot.

The proposed access and parking arrangements are considered to accord with the NPPF, UDP Policy H14 and Core Strategy Policy CS53.

#### Local Nature Site

The site falls within a Local Nature Site with geological interest as identified by the UDP Proposals Map. UDP Policy GE13 states that development affecting Local Nature Sites should, wherever possible, be sited and designed to protect and enhance the most important features of natural history interest.

GE13 goes on to state that where development would decrease the nature conservation value of a Local Nature Site, that decrease should be kept to a minimum and compensated for by the creation or enhancement of wildlife habitats elsewhere within the site or local area.

This particular site is an infill plot within an established housing area and was previously a covered reservoir, which has been infilled. The only notable recognisable features relate to boundary walls and these are largely retained within the development. It is not considered proportionate to consider further opportunities to create or enhance wildlife habitats elsewhere within the site or local area, although new garden areas are being created.

Given the above the development is considered to comply with the relevant sections of Policy GE13.

#### Landscape and Green Belt Impacts

Paragraph 127 of the NPPF requires developments to be sympathetic to local character and history, including the surrounding built environment and landscape setting. The Government also attaches great importance to Green Belts (paragraph 133 NPPF).

UDP Policy GE4 states that the scale and character of any development which would be conspicuous from the Green Belt should be in keeping with the area and, wherever possible, conserve and enhance the landscape and natural environment.

UDP Policy BE6 'Landscape Design' requires new development to provide a suitable landscape scheme with regards to new planting and/or hard landscaping and details of existing vegetation to be removed or retained. Development should also try to integrate existing landscape features and use native species where appropriate.

Officers are satisfied that the Green Belt boundary indicated on the submitted plans is correct and no development is proposed in the Green Belt as part of this scheme.

The majority of vegetation has previously been cleared from the site. The mature trees to the rear of the site in the Green Belt are adequately distanced to remain unaffected by the development. The submitted plans indicate a lawn area and post and rail fence to parts of the site boundary. The details provided are acceptable from a landscape perspective and satisfy the requirements of UDP Policy BE6. Full details of landscaping and hard surfacing can be secured by conditions.

Although no development is proposed within the Green Belt it is acknowledged that longer distance views of the proposed dwellings could be available from the Green Belt to the south and from the rear most section of some of the adjoining neighbouring gardens, which are also in the Green Belt.

The proposal however relates to an infill plot on an established residential street and the development will be viewed in the context of the existing residential properties located either side of the site. The proposal is not considered to harm the openness of the adjoining Green Belt.

### Drainage and Flooding

Core Strategy Policy CS 67 (Flood Risk Management) seeks to reduce the extent and impact of flooding and requires the use of sustainable drainage systems or sustainable drainage techniques, where feasible and practicable. Policy CS 63 (Responses to Climate Change) also promotes the adoption of sustainable drainage systems (SuDS).

The Framework seeks to ensure that areas at little or no risk of flooding are developed (Flood Zone 1) in preference to areas at higher risk (Flood Zones 2 & 3) and that the effects of flooding are reduced through the use of sustainable drainage systems. CS 63 and 67 are considered to be compatible with the Framework in terms of reducing the impacts of flooding and therefore retain substantial weight.

The site is in Flood Zone 1 (the lowest risk of flooding) as such the management of surface water is the primary consideration. Yorkshire Water has no objection to the scheme subject to conditions requiring the discharge of surface water to be reduced and managed sustainably where possible.

Subject to appropriate drainage details being secured by condition, the proposal is considered to be acceptable from a drainage perspective.

### Ground Conditions

The site was formerly a covered reservoir. The Council's Environmental Protection Service has identified a potential for ground contaminants associated with made ground. However the risks are not considered to be significant and can be controlled by condition.

### Community Infrastructure Levy (CIL)

Sheffield has an adopted Community Infrastructure Charging schedule. The site falls within CIL Charging Zone 3. Within this zone there is a CIL charge of £30 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010.

The applicant is claiming self-build exemption.

## RESPONSE TO REPRESENTATIONS

The majority of the matters raised within the representations have been addressed in the above assessment. The remaining comments are addressed as follows:

- The current proposal has been assessed on its individual merits taking account of the most relevant planning history relating to the site including the previous refusal of planning permission.
- The removal of any historic reservoir structures and the reduction in the site levels is a matter for the applicant; the planning authority cannot insist these works are undertaken.
- Conversion of the property to create flats or apartments would require separate planning consent.
- Comments in support or objection are considered on their merits regardless of the geographical location of the contributors.
- There is no right to a view or outlook across another person's land.
- Any future proposals to build on the Green Belt land to the rear will require planning consent and would be judged on their individual merits.
- Any proposals to alter the Green Belt boundary should be undertaken through the Local Plan review process.
- Profits derived from the development are not planning matters, neither is the land's value.
- As less than 5 homes are proposed there is no requirement to provide affordable housing.
- The scheme is not of a scale that requires dwellings of differing sizes, types and tenures to be provided.
- The existing footings and shipping containers are unauthorised and subject to separate enforcement investigations.
- No.100 Wheel Lane is unaffected by any proposed boundary treatment as the dwelling's curtilage does not have a boundary with the application site.

## SUMMARY AND RECOMMENDATION

This application seeks full planning permission for two detached dwellings houses, associated access and landscaping.

Planning consent for two dwellings has previously been granted on this site in 2006 and 2009. More recently (in November 2018 and 2019) Members resolved to refuse planning consent for a single dwelling and two dwellings on the site respectively.

Foundations have been poured on site for one dwelling, these are however unauthorised and the site does not therefore benefit from any form of extant planning consent.

The site is in an allocated Housing Area as defined in the adopted Sheffield UDP, the principle of redeveloping this site for housing is therefore considered to be acceptable.

The applicant owns some additional land to the rear of the site which is in the Green

Belt. No part of the application site or development encroaches into the Green Belt. The dwellings do not affect the openness or appearance of the Green Belt.

The previous application for two houses was refused on design and amenity grounds. The rear single storey element of house 1 was considered to overshadow and be overbearing to No.98, taking account of the difference in site levels. The overall scale and massing of the dwellings was considered incongruous with reference again to the relative height difference of No.98 Wheel Lane. Sufficient amenity space was not provided for the future occupants of house 2.

The applicant has sought to address these issues by reducing the overall size, footprint and proportions of the proposed dwellings. The ground and floor levels of house 1 have been reduced and are now set at approximately the same floor and garden level (immediately to the rear of the house) as No.98 Wheel Lane. These amendments remove any harmful overshadowing, overbearing or loss of light to adjoining properties.

The footprint of house 2 has been reduced allowing a satisfactory private garden of approximately 86 sq. metres to be provided. House 1 has a larger garden similar in size to No.98 Wheel Lane. The site is no longer considered to overdeveloped.

The site is flanked by a dormer bungalow and a traditional single storey bungalow, there are however other two storey properties in the immediate street scene. The difference in ridge height between No.98 and house 1 (2.3 metres) now reflects the change in ridge heights between No. 100 and No. 98. This has been achieved by modifying the design but largely by reducing site levels. The overall width and depth of both dwellings has also been reduced. This has slightly increased the spacing between the proposed dwellings and the distance between No. 94 and the gable end of house 2.

The proposed dwellings now better reflect the sloping topography and stepped ridge line of dwellings on Wheel Lane. In combination these factors are considered to reduce the overall scale and massing of the development and mitigate any detrimental impact on the street scene.

The area contains various housing developments of differing age and character. Following revisions to the plans it is considered that this site is now capable of accommodating two detached dwellinghouses.

The adjoining highways are capable of accommodating the moderate increase in vehicle movements generated by the development without detriment to highway safety. Appropriate parking can be provided for future residents.

The most important local policies in the determination of this application, which in this case revolve around housing land supply, highway related impacts, design, amenity and landscape impacts, do, when considered as a collection, align with the Framework. As such section d) of paragraph 11 is not applied in this instance.

The development will make a small but positive contribution to the Council's obligations to maintain a 5 year supply of deliverable sites. Notwithstanding this, the

revised scheme has adequately addressed the previous reasons for refusal and is now considered to comply with the relevant adopted local and national planning policy and guidance.

It is recommended that planning permission is granted conditionally.