

## Appeal Decision

Site visit made on 4 October 2016

**by A A Phillips BA(Hons) DipTP MTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 24 October 2016**

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**Appeal Ref: APP/J4423/D/16/3155263**  
**66 Psalter Lane, Sheffield S11 8YQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Dr Sarah Staniland against the decision of Sheffield City Council.
  - The application Ref 16/00993/FUL (Formerly PP-04860930), dated 9 March 2016, was refused by notice dated 5 May 2016.
  - The development proposed is to widen the front gate to create an opening to allow a car to pass through. Will involve removing some front garden wall and move a gate post up. Clear an area of the front garden to make a drive.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issue is the effect of the proposal on the character and appearance of the host property and the wider Conservation Area.

### Reasons

3. The appeal site is a large semi-detached residential property situated within a mainly residential part of Sheffield. There is a small front garden which is set behind a low natural stone wall which separates the house from the adjacent highway by approximately six metres. The wall includes a small narrow opening with gate posts for pedestrian access purposes. The front garden is landscaped with shrub beds and block paved paths.
  4. Small front gardens, low stone walls and gate posts are important features within this prominent part of the Nether Edge Conservation Area. As well as being important in their own right, along with the rows of mature street trees which line the avenue, they are significant in the setting of the uniform pairs of large semi-detached properties along Psalter Lane.
  5. The significance of this part of the Conservation Area is recognised in the Conservation Area Appraisal which includes an assessment of visual and perceptual qualities. Specific recognition is given to Psalter Lane's significant unifying features, including boundary walls within the street scene and the repetition of fine closely grouped semi-detached terraces with attractive detailing. The most significant building groups in this part of the Conservation Area are the villas on Psalter Lane such as the appeal property which contribute to the distinctive character of this route into the City.
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6. Indeed, the significance is recognised by the designation of this area under an Article 4 Direction which seeks to preserve and enhance the historic and architectural qualities of such properties and their contribution to the character and appearance of the wider area.
7. The current proposal would significantly widen the gap in the front boundary by removing a section of the stone wall. The description of the development indicates that a gate post will be relocated. Much of the front garden would be covered with a brick block paving drive and path.
8. Policy H14 of the Sheffield Unitary Development Plan Adopted March 1998 (UDP) relates to development in Housing Areas and seeks to ensure that new developments do not lead to an unsatisfactory environment for people living in Sheffield. Policy BE16 of the UDP states clearly that planning permission will only be granted to proposals which preserve or enhance the character or appearance of conservation areas. Policy CS74 of the Sheffield Development Framework Core Strategy Adopted by the City Council on 4 March 2009 (CS) expects high quality development which respects and enhances the distinctive features of the City, its districts and neighbourhoods.
9. The National Planning Policy Framework states that heritage assets are irreplaceable and any harm or loss should require clear and convincing justification. When considering impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
10. As previously identified, the existing front boundary wall provides an important component in the setting of No 66. The loss of a significant part of the wall itself would represent the permanent loss of part of a heritage asset of recognised importance and distinctiveness within the Conservation Area. Furthermore, it would materially alter the setting of the property and erode the historic composition of the immediate locality comprising the low stone boundary wall, the front garden and the property itself.
11. Although the property currently has block paving paths in the front garden the proposed more extensive use of this material to form a driveway and path would be harmful to the historic setting of the building and would further erode the setting of the property and the Conservation Area, generally. The block paving would be far more prominent than at present as a consequence of the wide opening proposed onto the adjacent highway. The use of this modern material in such a prominent way in such an important setting is inappropriate and would compromise the setting of the historic building and erode the character and appearance of the Conservation Area.
12. The gateposts which are currently located either side of the narrow pedestrian opening in the boundary wall would be separated. Although their retention is desirable, the proposal would diminish their original relationship with each other and with No 66. This would also harm the character and appearance of the Conservation Area.
13. Given the scale of the proposal within the context of the Conservation Area as a whole, I consider that it would cause less than substantial harm to its character and appearance. In accordance with paragraph 134 of the National Planning Policy Framework (the Framework), I must weigh the harm against the public benefits of the proposal.

14. There may be some benefits from the proposal in terms of creating a vehicular access to No 66, providing a parking space for a car which is currently parked on the existing busy road and making it safer to load people (including children) into a car. However, in my opinion the public benefits would be insufficient to outweigh the harm identified. I conclude that the development would fail to accord with national policy.
15. In support of the appeal, I have been referred to some other developments. I observed on site that there are other examples in the area where front walls have been removed and front gardens have been lost by the provision of driveways in a range of materials. Although when considered together such alterations form part of the current character of the area, they do not do so in a positive way. Indeed, some local examples demonstrate the harm that has contributed to the erosion of the character and appearance of the Conservation Area and illustrate how poorly designed developments can be harmful.
16. The evidence before me indicates that other examples in the area do not have planning permission or were implemented under a previous planning policy regime. I do not have the full details of the circumstances that led to all other cases being approved or the policies that applied at the time of their consideration. In any case, in spite of other examples put to me, I have determined the appeal on its merits taking account of the current development plan and other material considerations.
17. The proposal would fail to preserve or enhance the character and appearance of the Nether Edge Conservation Area. Given the considerable significance and importance of the designated heritage asset I give this matter considerable weight. Therefore, I conclude that given the proposal would have a harmful effect on the character and appearance of the host property and the wider Conservation Area. It is in conflict with the design and heritage objectives of Policies H14 and BE16 of the UDP, Policy CS74 of the CS and the Framework.

### **Conclusion**

18. For the reasons given above and taking account of all other matters I conclude that this appeal should be dismissed.

*Alastair Phillips*

INSPECTOR