

Appeal Decisions

Site visit made on 31 January 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 9 February 2017

Appeal A Ref: APP/J4423/W/16/3163335 **The Place, Nile Street, Sheffield, S10 2PQ**

- 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 Mr John Swindells (Stonegate Pub Company) against the decision of Sheffield City Council.
 - The application Ref 16/03025/FUL, dated 5 August 2016, was refused by notice dated 30 September 2016.
 - The development proposed is the removal of the existing porch entrance; new timber shiplap cladding to gable and a section of external render.
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Appeal B Ref: APP/J4423/W/16/3163337 **The Place, Nile Street, Sheffield, S10 2PQ**

- 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 Mr John Swindells (Stonegate Pub Company) against the decision of Sheffield City Council.
 - The application Ref 16/03026/FUL, dated 5 August 2016, was refused by notice dated 4 October 2016.
 - The development proposed is the removal of windows and mullion to include lowering cill to access from front area to beer garden.
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Decisions

Appeal A Ref: APP/J4423/W/16/3163335

1. The appeal is allowed and planning permission is granted for the removal of the existing porch entrance; new timber shiplap cladding to gable and a section of external render at The Place, Nile Street, Sheffield, S10 2PQ in accordance with the terms of the application, Ref 16/03025/FUL , dated 5 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 01-16-679 06 A.

Appeal B Ref: APP/J4423/W/16/3163337

2. The appeal is allowed and planning permission is granted for the removal of windows and mullion to include lowering cill to access from front area to beer garden at The Place, Nile Street, Sheffield, S10 2PQ in accordance with the
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terms of the application, Ref 16/03026/FUL , dated 5 August 2016 , subject to the following conditions:

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 01-16-679 06 A.
- 3) The seating area is to be confined to that shown on the plan hereby approved and no other parts of the site shall be used for outdoor seating or dining.
- 4) The outdoor areas of the site shall be free of all tables, seating and all other outdoor furniture, including umbrellas, between the hours of 18:00 and 09:00.
- 5) The double doors hereby approved shall remain shut at all times between the hours of 18:00 and 09:00.

Main Issues

3. The main issues are (i) whether the proposed development would preserve or enhance the character or appearance of the Broomhill Conservation Area; and (ii) the effect of the development upon the living conditions of occupiers of nearby dwellings.

Reasons

Conservation Area

4. The Conservation Area is characterised by its hilly topography; traditional 2-storey stone buildings; and close knit development pattern centred around a vibrant town centre. That said, there are many buildings, particularly in the vicinity of the appeal site, that do not follow the traditional style. Peel Street, where the appeal building has its main frontage, has large scale modern brick and render buildings which do not conform with the more notable or special characteristics of the area. The appeal building itself is also large scale. Although it has decorative quoins, it is otherwise mundane and bears little resemblance to the characterful stone buildings in the area.
5. The proposed shiplap cladding is not typical of the area, however, the front gable is only a small part of the building and it is seen within a context of other buildings of varying materials, styles and age. Within this setting, I consider that the cladding and the small amount of render would not look out of place either on the building itself or within the street-scene. Moreover, it would provide some visual interest to the building by highlighting small parts of it. For the same reasons and because of their low-key nature, I do not consider that the faux living wall or the "jumbrella" would have a harmful effect upon the street-scene or wider area.
6. I therefore conclude that the proposed development would preserve the character and appearance of the Broomhill Conservation Area. Consequently, I find no conflict with Policies BE5, BE15, BE16 and S10, of the Sheffield Unitary Development Plan 1998 or Policy CS74 of the Sheffield Core Strategy 2009. In combination, these policies seek to ensure that development is of a good design and that conservation areas are not harmed. Furthermore, I find no

conflict with paragraphs 64 and 132 of the National Planning Policy Framework which has similar objectives.

Living Conditions

7. The site is within a commercial centre but there are many dwellings closely surrounding the pub on Chandos Street, Newbold Lane and Peel Street. The nearest dwellings are apartments which are very close as they are directly opposite the premises.
8. A window on the front elevation would be replaced with a set of double doors to allow access into a seating area. The plans indicate that this area would be able to accommodate 6 tables with some 24 seats.
9. I have had regard to the noise impact assessment which indicates that the calculated noise level would be below the lowest measured existing background noise level up until 22:30. However, this has been modelled on data for typical conversational speech. Given that the premises are a pub, it is inevitable that people will be drinking alcohol which means that behaviour and voices are likely to be much louder than "typical conversational speech". For this reason, I find the noise impact assessment to be unconvincing.
10. Furthermore, the replacement of a window with doors to the seating area would allow a break out of noise from inside the pub which would cause further disturbance to neighbours when the doors are opened, which, given their purpose, is likely to be frequently.
11. I therefore consider that the proposed seating area has potential to unacceptably expose occupiers of nearby dwellings to noise and disturbance, most pertinently in the evenings and at night when residents should be protected.
12. A proposal for a similar outdoor seating area was dismissed on appeal at the site in 2003¹. I note the appellant's comments that circumstances have changed in that the smoking ban has happened since. The seating and covered area would be a facility for smokers but the seating would be likely to attract drinkers and prolong the time spent outdoors. I have no convincing evidence that the seating area would control or restrict the movement of patrons. I have read the management policies submitted by the appellant but planning permission runs with the land and such policies might not be enforced by subsequent operators. I also note comments that the outdoor seating is required in the interests of the economic viability of the pub but this matter does not outweigh the living conditions of neighbours.
13. The appellant suggests that the seating area could be restricted to certain times. I consider that daytime outdoor seating would be acceptable as customers tend to be less rowdy in the day and because some noise is generally more acceptable during the day than at night. I also note the appellant's suggestion of a temporary permission but given that interested parties have already made representations about noise and activity from the premises I do not consider this to be appropriate.
14. I note the Council's objection to the removal of the trees but I have nothing before me which suggests that they are protected and whilst their removal is

¹ APP/J4423/A/03/1114140

shown on the plans, it does not appear to me that the actual seating would necessitate their removal.

15. Subject to a restriction of hours, I consider that the outdoor seating area would not harm the living conditions of nearby occupiers and I find no conflict with Policy S10 of the Sheffield UDP which indicates that new development should not cause residents to suffer from unacceptable living conditions including noise or other nuisance.

Other Matters

16. I have taken into account all other matters raised, including the representations from interested parties, but none outweigh the conclusions I have reached.

Conditions

17. In addition to the standard implementation condition it is necessary in the interests of precision, to define the plans with which the schemes should accord. Conditions in respect of the use of the doors and seating area are necessary in the interest of living conditions.

Conclusion

18. Both appeals are allowed subject to conditions.

Siobhan Watson

INSPECTOR