

Appeal Decision

Site visit made on 24 January 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 21 February 2017

Appeal Ref: APP/J4423/D/16/3162147
25 Burngreave Street, Sheffield S3 9DQ

- 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 Mohammad Rafiq against the decision of Sheffield City Council.
 - The application Ref 16/03039/FUL, dated 5 August 2016, was refused by notice dated 27 September 2016.
 - The development proposed is described as “disabled access alterations – fee not required, concrete ramp for disabled access behind boundary wall, new opening cut from boundary wall – gate moved to right side, porch 1000 wide with PVCU opening door with level threshold, boundary wall – new bay window (white PVCU), new pitched roof over bay window, tiles to match main roof.”
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit, the proposed works had commenced with the installation of an access ramp and alterations to the front boundary wall. However, the remainder of the works had not commenced. I have, therefore, dealt with this appeal on the basis that it is a proposal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal property is a two-storey, terraced property within an Area of Special Character identified under Policy BE18 of the Sheffield Unitary Development Plan 1998 (UDP). The area largely comprises residential properties of differing styles. Burngreave Street is nevertheless characterised by terraced properties of some architectural merit. Indeed, the terrace which the appeal property is located within exhibits a pleasant uniformity. Each property is ornately detailed and has attractive, curved bay windows at ground floor level. The properties are largely free from alterations or extensions. Boundary treatments are predominately low brick walls with iron railings which enclose hard surfaced front yards.
 5. It is proposed to create a new porch to the front of the property, along with a squared bay window with a new pitched roof over. This would facilitate access
-

into the lounge of the property which has been converted into a bedroom for the appellant. In addition, it is proposed to create a concrete ramp for disabled access which includes a new opening within the front boundary wall.

6. I note that the works would use materials which match those of the appeal property. However, the proposal would result in the loss of the existing curved bay window to the front of the property. The loss of the bay window would interrupt the rhythm and uniformity of the terrace. Moreover, the porch, square bay window and canopy would cover most of the ground floor elevation and appear at odds with the design and proportions of the detailing of the both the appeal property and the wider terrace.
7. In addition, the ramp would cover a significant proportion of the front yard and the alterations to the front boundary wall would appear in stark contrast to the prevailing arrangement of boundary treatments on this part of Burngreave Street. As a result, the works would appear as incongruous and obtrusive features within the street scene.
8. I conclude, therefore, that the proposal would have a harmful effect on the character and appearance of the area. It would, as a consequence, conflict with Saved Policies BE18 and H14 of the Sheffield Unitary Development Plan 1998 (UDP) which state that new development in Areas of Special Character should respect the appearance and character of the area, and that new extensions will be permitted that are well designed and in scale and character with neighbouring buildings.
9. Saved Policy BE5 of the UDP states that designs should meet the needs of users, particularly people with disabilities. That would be the case here. However, Policy BE5 also states that states that good design will be expected in all new extensions. The proposal would, therefore, conflict with Policy BE5 of the UDP.

Other Matters

10. I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The appeal is made for extensions and alterations to the dwelling to facilitate the essential and regular care for the appellant who is disabled. He would, therefore, have a protected characteristic for the purposes of the PSED.
11. The proposals have been designed to provide external level access to the dwelling for the appellant, as well as offering improved internal access to the ground floor lounge which has been converted to a bedroom. This is a matter of significant importance to which I afford considerable weight. However, in this instance, the development proposed is permanent and would remain indefinitely regardless of the needs of the occupiers of the dwelling. As a result, the requirement to provide level access and access into the ground floor of the property to meet the appellant's needs does not outweigh the wider public interest in ensuring that the character and appearance of an Area of Special Character is protected from the permanency of harm that would arise from the proposal.

12. I have also considered the rights of the appellant under Article 1 of the First Protocol and Article 8 of the Human Rights Act 1998. Article 1 of the First Protocol states that every person is entitled to the peaceful enjoyment of their home. Article 8 affords the right to respect for private and family life. Dismissal of the appeal would interfere with the appellant's rights under both Article 1 of the First Protocol and Article 8. However, these are qualified rights and any interference may be justified where it is in accordance with the law and is necessary in a democratic society, applying the principle of proportionality.
13. I acknowledge that the consequence of dismissing the appeal would be that the appellant's free, safe and easy access to and from the property would be restricted. However, the harm I have identified to the character and appearance of the area is such that dismissal of the appeal would be a proportionate and necessary response that would not violate the appellant's rights under Article 1 of the First Protocol or Article 8. The protection of the public interest cannot be achieved by means that are less interfering of his rights.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR