
Appeal Decision

Site visit made on 25 April 2017

by S Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 8th May 2017

Appeal Ref: APP/J4423/W/16/3167729

Land to rear of 15 to 17 Orchard Lane, Beighton, Sheffield, South Yorkshire S20 1EW

- 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 Chris Travis against the decision of Sheffield City Council.
 - The application Ref 16/04157/FUL, dated 26 October 2016, was refused by notice dated 15 December 2016.
 - The development proposed is described on the application form as conversion of former office building to private dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The description of development as set out on the decision notice and the appeal form is described as "alterations to and use of former warehouse/office unit as dwelling house". This more accurately describes the proposal as shown on the plans and I have considered the appeal on this basis.

Main Issues

3. The main issues for this appeal are:
 - The effect of the proposed development on the character and appearance of the area;
 - whether satisfactory living conditions would be provided for future occupants taking particular account of privacy and outlook; and
 - the effect of the proposal on the safety and convenience of users of the proposed access and Orchard Lane.

Reasons

4. The appeal site is in a predominantly residential area within Beighton, close to shops and services and there are bus stops nearby. On this basis I conclude that the appeal site is in a sustainable location. An additional residential unit would meet those aims of the development plan¹, the Council's Corporate Strategy and the National Planning Policy Framework (the Framework) that seek to increase the supply of housing. The provision of a dwelling would

¹ Sheffield Development Core Strategy 2009 (the CS) and the Sheffield Unitary Development Plan 1998 (the UDP)

therefore be acceptable in principle provided other material planning considerations are satisfied.

Character and appearance

5. Orchard Lane rises up from West Street. Prominent between Orchard Lane, West Street and Armstead Road is a grassed open space with trees. The appeal site is an "L" shaped piece of land adjoining the open space with an undefined boundary between them. The proposed access adjoins the side of No 15 Orchard Lane adjacent to the open space. The main part of the site is positioned behind Nos 15–17 Orchard Lane. There is a small brick flat roofed single storey building to the rear of the site adjoining the boundaries of houses on Armstead Road. The building is vacant and in a poor state of repair. Historically it was used as a store for a former shop at No 17.
6. Policy CS26 of the CS indicates that a density of 30-50 dwellings per hectare is an efficient use of land in suburban areas outside the City Centre. The proposed development would equate to a density of 54 dwellings per hectare which would conflict with Policy CS26 unless the development would achieve good design that reflects the character of the area.
7. The building would be altered by adding a mono pitched roof and converted to provide a dwelling with open plan bedsit style accommodation. A parking space would be provided to the side of the building. There would be a turning area and garden in front of the building.
8. The surrounding area predominantly comprises a mix of dwellings of varied sizes, styles and designs including some bungalows, but most are two storey with pitched or hipped roofs and with a road frontage. I saw no dwellings of such a small scale with a mono pitched roof in comparable sized plots nearby. Moreover the proposed layout with the amenity area dominated by parking and turning areas; with the only outlook over the driveway towards the park; and with the two windows in the front elevation being obscure glazed; would amount to a cramped and contrived design within the site, irrespective of the open space nearby. This would be out of character with the local area. These concerns would not be overcome by erecting a screening fence/wall along the boundary with the park.
9. In my view the benefit of improving the appearance of the building, which has no specific architectural merit, would not outweigh the retention of an incongruous structure out of scale and character with the surrounding neighbouring properties.
10. Together the above matters demonstrate that the proposal would not be good design. It would be over development of the site that would materially harm the character and appearance of the area. Accordingly the proposal would be contrary to those parts of Policies CS26 and CS74 of the CS; Policies BE5 and H14 of the UDP; and those principles of the Framework that seek good design that enhances the character and appearance of the area.

Living conditions

11. The proposed dwelling would have one open plan living/bedroom/kitchen space. There would be a solid door and two windows in the front elevation. These two windows would be obscure glazed to prevent overlooking of the proposed living accommodation from first floor windows in Nos 15-17. The

main outlook from the proposed accommodation would be from the full height glazed sliding doors facing towards the park. This outlook would be impeded by the proposed boundary screening which is necessary to prevent overlooking of the proposed dwelling by users of the adjoining open space. The outlook therefore would be across the relatively narrow parking area towards a brick wall which would be very restricted resulting in gloomy and unsatisfactory living conditions within the proposed dwelling. Moreover when providing new residential accommodation it is not good design to rely solely on the outlook over land not in the ownership of the appellant.

12. The areas outside the dwelling would be dominated by the access, parking and turning areas. Whilst some garden space would be provided this would be directly overlooked by windows at first floor in Nos 15-17. Accordingly the proposal would not provide satisfactory private outdoor amenity space.
13. For the reasons set out above I conclude that the proposed development would not provide satisfactory living conditions for future occupants of the proposed dwelling in respect of outlook and private outdoor amenity space. The proposal would therefore conflict with Policy H14 of the UDP and those principles of the Framework that seek a good standard of amenity for all existing and future occupants of land and buildings.

Safety and convenience of users of the proposed access and Orchard Lane

14. Access to the proposed dwelling would be by way of a long drive to the side of No 15. At some 2.4m wide this would be about 1m narrower than the minimum width recommended by the Highway Authority. There is a pedestrian right of access for occupiers of Nos 15-17 across part of the drive and the plans indicate a fence alongside the shared driveway. Due to its narrowness there would therefore be a potential conflict between pedestrians and vehicles using the access.
15. The plans show a turning area for vehicles within the site that could enable vehicles to exit in forward gear onto Orchard Lane. On this basis I conclude that there would be little impact on users of Orchard Lane arising from vehicles associated with a small single dwelling.
16. For the reasons set out above I conclude that the proposed development would not provide safe and convenient access for existing and future occupants of Nos 15-17 or the proposed dwelling. Accordingly the proposed development would not comply with those parts of Policy H14 of the UDP or those principles of the Framework that seek safe and suitable access for all.
17. Whether vehicles are parked on the appeal site or the adjacent park at present are matters for the land owner(s) not for this appeal and does not lead me to any different conclusions.

Other Matters

18. An earlier appeal on the site was dismissed by a colleague Inspector Ref APP/J4423/A/11/2164107. However, the proposals in that case were for a different layout and design and I have reached my own conclusions in relation to the planning merits of the particular proposal before me.
19. The Council, in the Officer Report, refers to the effect of increasing the height of the wall on the boundary with properties on Armstead Road which are at a

significantly lower level than the appeal site. However, there is no detailed evidence in relation to levels and, as this was not one of the reasons for refusing the planning application, it is therefore not a determining matter for this particular appeal.

20. I have been advised that the Council has granted a similar planning permission elsewhere, Ref 16/02883/FUL, but no further details have been provided. In any case each application and appeal falls to be decided on its own specific planning merits which are rarely identical.

Planning Balance

21. Planning applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise². Planning policies can pull in different directions. The proposed development would provide a positive, albeit small, contribution to the housing stock of the Borough and would restore a disused dilapidated building which weighs in favour of the proposal.
22. I have found that the proposed development would be out of character with the area; would not amount to good design; would have a poor outlook for future occupants; and would fail to provide satisfactory private amenity space or safe and convenient access. These matters weigh against the proposal.

Conclusion

23. On balance, taking all the above matters into account, I conclude that the benefit of an additional dwelling would not outweigh the effect on the local environment or the failure to provide satisfactory living conditions or safe and convenient access for all future occupants of land and buildings.
24. The proposal would comply with parts of the development plan. However, in failing to comply with all the criteria of Policies CS26 and CS74 of the CS and Policies BE5 and H14 of the UDP the proposal does not comply with the development plan taken as a whole. For the combination of reasons set out above, and taking into account all other relevant matters raised, I conclude that the appeal should not succeed.

SDHarley

INSPECTOR

² Section 38 of the Planning and Compulsory Purchase Act 2004