
Appeal Decision

Site visit made on 21 August 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 5 September 2017

Appeal Ref: APP/J4423/W/17/3176080
71 Marlborough Road, Sheffield S10 1DA

- 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 Mrs Sarag Murphy against the decision of Sheffield City Council.
 - The application Ref 17/00413/FUL, dated 8 September 2016, was refused by notice dated 21 March 2017.
 - The development proposed is described as "the conversion of existing dwelling into 4 C3 units (self-contained flats) demo of rear stone steps."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I could see from my site visit that construction works were in progress in the basement, although the proposed floor layout and external changes were yet to be carried out. I have determined the appeal on this basis.

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 (BCA); and (ii) whether future occupiers of the lower ground floor apartment would be likely to experience acceptable living conditions in terms of outlook and natural daylight.

Reasons

Character or appearance

4. The appeal site is a two storey mid-terraced property constructed from stone. Marlborough Road is characterised by two and three storey terraced, semi-detached and detached properties of a similar style and finish. The appeal property and many neighbouring properties are identified as a 'Building of Townscape Merit' in the Broomhill Conservation Area Appraisal. They line both sides of the road. The site is near to the junction of Marlborough Road and Moor Oaks Road. This allows clear views of the appeal site's front elevation.
5. The property is subject to an Article 4 direction which controls the homeowners ability to use permitted development rights. I understand the reason behind the Article 4 direction is to preserve the character and appearance of the area.

6. Below ground level, the proposed sash window opening would replace an existing two pane window. It would broadly reflect the style and finish of others in the property. Above ground level a frameless glass balustrade would be installed around the lightwell. The glass balustrade would introduce an uncomplimentary contemporary finish to the front elevation of the property. This would be prominent due to the site's location near to the junction due to the open view across it. As a result, the proposal would not reflect local distinctiveness as properties in Marlborough Road have retained traditional bay windows to the front. The proposal would fundamentally alter the appearance of the property's front elevation, and the balustrade would not complement or enhance the BCA. Even if similar alterations have been approved elsewhere, I have not been provided with any specific examples that I can take account of.
7. Having regard to paragraph 134 of the National Planning Policy Framework (the Framework) the harm to the BCA would be less than substantial. This does still amount to a harmful impact which adversely affects the significance of the BCA as a heritage asset. The proposal would result in public benefit by offering accessible residential accommodation near to a range of facilities and services, including public transport, which residents would support. Employment opportunities could also be available to the local population. Energy-efficient measures could also be used in the construction process. Although it is said that the proposal would widen the housing mix, planning permission has already been granted for four apartments¹. Matters of air quality, flooding, land contamination, amenity space, wildlife habitats and neighbours living conditions would not result in public benefits as they are all policy objectives. Despite the public benefits, the harm to the BCA and the site would, to which I attach considerable importance and weight, in my view, clearly outweigh these modest public benefits.
8. For these reasons, on this issue, I conclude that the proposed development would not preserve or enhance the character or appearance of the BCA. The proposal would be contrary to saved Policies BE16 and H14 of the Sheffield Unitary Development Plan (UDP), Policy CS74 of the Sheffield Development Framework Core Strategy and paragraph 134 of the Framework. Collectively these seek, among other things, new extensions to be high quality and well designed in character with neighbouring buildings so that they would preserve or enhance the character or appearance of the conservation area.

Living conditions

9. The scheme granted by the Council in November 2016 was subject to revisions during the course of the application which resulted in the then proposed lightwell to the front of the property being removed, together with the bedroom that it would have served. Both now form part of the appeal scheme.
10. The lightwell would serve a front bedroom in flat 1. The sole window opening serving this room would be entirely below ground level. Consequently, occupiers of this room and flat 1 would solely have an outlook of the lightwell, thereby leading to a very restricted field of vision. Also, due to the position of the bedroom window together with the property's orientation, natural daylight would not penetrate towards the rear of the bedroom. This would lead to a dark and gloomy living environment. So, even if effective and efficient lighting would minimise glare and light pollution, future occupiers of this room would be

¹ Council Application Ref: 16/03442/FUL

highly dependent upon artificial lighting. I consider that significant harm would arise from the occupiers unsatisfactory living conditions.

11. I conclude on this issue, that the occupiers of the lower ground floor apartment would not experience acceptable living conditions in terms of outlook and natural daylight. The proposal would conflict with saved UDP Policies H5 and H14. They jointly seek, among other things, to ensure occupiers of flats have satisfactory living conditions and they are not deprived of light.

Other matter

12. The Design and Access Statement refers to two dormer bungalows being next to the site. However, there are no such property types in the area near to the appeal site.

Conclusion

13. Although the Council may not be currently able to demonstrate a five-year supply of deliverable housing sites, this would not alter my approach to this appeal, given that the appeal site is designated as a heritage asset². I have found the appeal scheme would result in harm to the BCA and in terms of future occupiers living conditions.
14. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR

² National Planning Policy Framework, Paragraph 14, Footnote 9