



Appeal Decision

Site visit made on 23 July 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2019

Appeal Ref: APP/J4423/W/19/3228440

Land to the Rear of 32 – 38, Greenhill Main Road, Sheffield S8 7RD

- 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 & Mrs Bennett against the decision of Sheffield City Council.
 - The application Ref 17/05025/FUL, dated 8 December 2017, was refused by notice dated 15 November 2018.
 - The development proposed is erection of 5 no. terraced dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application form gives the site address as 34 James Andrew Crescent, Sheffield S8 7RJ. However, for the purposes of my decision, I have used the address given on the Council's decision notice and the appellant's appeal form as this more accurately reflects the location of the site.

Main Issue

3. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the Greenhill Conservation Area (CA);
 - the effect of the proposal on the living conditions of neighbouring occupiers at No 42 Greenhill Main Road with particular regard to outlook; and
 - whether the proposal would provide acceptable living conditions for future occupiers of the proposed development with particular regard to outlook and provision of private outdoor space.

Reasons

Character and appearance

4. The appeal site is located within the Greenhill Conservation Area (CA) and is currently an overgrown but relatively open site with only minor structures including fencing and a derelict former garden building. The CA includes some commercial uses but is mainly residential in character with a mix of detached, semi-detached and terraced dwellings, often gable sided with a variety of alignments in relation to the street. The significance of the CA derives from features including its distinctive 18th and 19th century vernacular architecture, and prevalent use of local stone to buildings and boundary walls. The immediate CA context of the appeal site includes the detached stone-built

- dwelling at No 42 Greenhill Main Road, with its substantial rear garden, and dwellings at Nos 32 – 38 Greenhill Main Road which are set behind frontage development on Greenhill Main Road. The architectural form and materials of these neighbouring properties are reflective of the local vernacular and their rear curtilages and the appeal site create a sense of space between the buildings in the CA and the modern bungalows on James Andrew Crescent.
5. The appeal site is largely screened from the public realm on Greenhill Main Road by adjoining properties in the CA. However, from James Andrew Crescent a substantial stone boundary wall denotes the boundary of the site and this along with the backdrop of foliage, including the soft landscaped garden at No 42, forms a prominent part of the street scene and the setting of the CA.
 6. The bulk, mass and expanse of the proposed terrace block and its contemporary detailing including areas of white render, grey powder coated aluminium framed windows with timber clad spandrel panels, flat roofed canopies over front entrances and solar PV panels to the roof slopes would reduce the sense of space between the CA and neighbouring modern development and would be at odds with the built form and traditional detailing seen on neighbouring buildings within the CA. I acknowledge that render is utilised on other buildings in the CA. However, the predominant material is stone and the extent and composition of render in combination with the other detracting features on the design would not complement the character and appearance of the CA.
 7. The proposal would necessitate the removal of substantial sections of the existing stone wall on James Andrew Crescent. The Greenhill Conservation Area Appraisal (2008) recognises the roadside stone boundary walls which contribute to the local vernacular streetscape. Regardless of the origins of the stone wall, its extent, position within the street scene and materials utilised are reflective of others in the CA and it makes a positive contribution to the setting of the CA.
 8. The sections of the wall to be retained where bin storage and cycle storage would be provided would be comparatively small. The removal of the wall would facilitate the provision of hard surfaced frontage car parking and paths to serve the proposed dwellings. I acknowledge that green roofs would be provided to the proposed cycle storage areas, however, the predominant feature to the frontage of the proposed dwellings would be the expanse of hard surfacing. The loss of large sections of the stone wall and the overall lack of soft landscaping to the frontage of the dwellings would have a negative impact on the character and appearance of the CA and would emphasise the cramped and discordant nature of the development within the street scene.
 9. Whilst there are already extensive areas of hard surfacing serving the two-storey housing and flats at the end of the cul-de-sac, I do not consider this provides justification for further hard landscaping particularly in the context of the CA. The relocation of the proposed cycle storage to a communal store would only create a limited opportunity for further soft landscaping to the site frontage and would not overcome the harm identified.
 10. I have given regard to the appellant's density calculations and their reference to the requirement in the National Planning Policy Framework (the Framework) for developments to make efficient use of land. However, this does not overcome my overall concerns that a development of the density proposed

would have a detrimental impact on the street scene and the character and appearance of the CA in this particular location. Reference has also been made to the effective use of previously developed land, however the definition of previously developed land in the Framework excludes residential gardens.

11. My attention has been drawn to a planning permission on land to the rear of Nos 44, 46 and 48 Greenhill Main Road as well the character of existing development on James Andrew Crescent. I have not been provided with full details of the neighbouring planning permission or the relevant considerations in that case and the neighbouring development on James Andrew Crescent is well established and sits outside the CA. From the evidence before me and what I saw on site, I am not persuaded that these neighbouring developments justify the proposal before me being mindful of the scale of the proposal, the particular site constraints and the relationship with the CA.
12. Taking all matters into account, the proposal would result in less than substantial harm accounting for the scale of the proposal and the prominence of the site in the wider CA setting. In accordance with Paragraph 196 of the Framework less than substantial harm should be weighed against the public benefits of the proposal. In this case there would be a modest contribution towards the Council's housing requirements. There would also be a modest contribution to the local economy through the development of the site and subsequent expenditure of future residents. Limited social benefits would also arise through the use of local services and facilities by occupants of the dwellings. However, I must attach great weight to the need to conserve the CA and find therefore that the modest and limited public benefits do not outweigh the less than substantial harm identified.
13. To conclude, and for the reasons given, the development would fail to preserve or enhance the character or appearance of the CA. This would conflict with Policies BE5 (Building Design and Siting), BE16 (Development in Conservation Areas) and H14 (Conditions on development in Housing Areas) of the Sheffield Unitary Development Plan (1998) (UDP) and Policy CS74 (Design Principles) of the Sheffield Core Strategy (2009) which amongst other things expect high-quality development which is well designed, complements the scale, form and architectural style of surrounding buildings and preserve or enhance the character or appearance of the Conservation Area. Such policies and guidance are consistent with the Framework which requires great weight to be given to the conservation of designated heritage assets and that any harm to these should require clear and convincing justification.

Living conditions for the occupants of No 42 Greenhill Main Road

14. The rear elevations of the proposed dwellings would be sited facing the rear portion of the substantial garden serving No 42 Greenhill Main Road. There is an existing drystone wall to the boundary of this property with the appeal site. Existing planting includes mature trees within the curtilage of No 42 close to the boundary. Given the distance between the development and the rear elevation of No 42, the proposal would not result in any material harm to outlook in terms of the main windows or the immediate private garden area serving this neighbouring dwelling. However, even accounting for screening from existing trees, given the relatively shallow rear gardens depths proposed to serve the dwellings, the terraced block would have an imposing presence for occupants of No 42 when using the rear portion of the garden.

15. The development would also include 10 first floor windows to its rear elevation facing towards the garden serving No 42. The lower panels of these windows would be obscure glazed and could also be conditioned to be fixed shut. On this basis there would be no loss of privacy for the occupants of No 42 and I note the Council has not refused the development on such grounds. However, given the number of windows there would still be harm to living conditions as a result of a perception of being overlooked which would increase the overbearing nature of the proposal.
16. To conclude, by reason of its bulk, mass and positioning relative to the shared boundary, the development would result in harm to the outlook of occupiers of the neighbouring dwelling at No 42. This would be contrary to Policy H14 (Conditions on development in Housing Areas) of the UDP which states new development will be permitted provided that amongst other things it is well designed and laid out and not over-developed or deprive residents of privacy as well as paragraphs 117 and 127 of the Framework which seeks to secure development which functions well and provides a high standard of amenity for all existing and future users.
17. The Council's decision also refers to the Sheffield City Council Supplementary Planning Guidance on Designing Housing Extensions (SPG). The proposal is for a new build development rather than an extension of an existing dwelling and therefore the document has not on its own been determinative in my assessment. However, the guidance does seek to avoid development which results in over dominance of neighbouring dwellings and in this regard is consistent with the policies of the UDP.

Living conditions for occupants of the proposed development

18. The gardens would be comparable in depth to neighbouring bungalows on James Andrew Crescent, however the width of the gardens would be narrower and the overall size of gardens smaller than those generally seen in the area. The Council has also drawn my attention the rear gardens as being below the minimum size of 50 square metres and less than the minimum distance of 10 metres from the rear elevation to the boundary as suggested in their SPG. The guidance serves to demonstrate that the size of the gardens would be significantly smaller than those usually expected to serve dwellings of the size proposed. The appellant has drawn my attention to the statement in the SPG that exceptions may be made in areas of terraced housing. However, the proposal is for a new build development rather than an extension within an area of existing terraces. In this instance limitations for the provision of outdoor space could be overcome through appropriate design and densities.
19. I note the appellant's contention that the floor area of the individual houses would be modest and that the site is in close proximity to public parks. Even so, the proposed private gardens still appear constrained for the two-storey, two-bedroomed dwellings proposed. The tight constraints of the gardens emphasise the relatively high density of the development and the usability of these spaces would be compromised when accounting for various requirements including washing line facilities and recreational space. The appellant also suggests that cycle stores could be located within a communal store which would increase front garden areas for the individual dwellings. However, this would not overcome the deficiency in private outdoor space to the rear of the dwellings.

20. As noted above, the numerous first floor windows to the rear elevation would be obscure glazed up to a height of 1.7 metres to protect the privacy of neighbouring occupiers at No 42. These windows would serve bedrooms in the proposed dwellings. I disagree with the appellant that existing trees provide sufficient screening noting the gaps in the foliage, the number of windows and their close proximity to the neighbouring garden. To ensure acceptable relationships with the neighbouring property at No 42, the obscure glazed element is necessary and the windows would also need to be conditioned to be fixed shut.
21. Consequently, the design of the proposal is contrived and future occupants would be deprived of a suitable means of outlook from these main habitable windows. The appellant contends that there is no relevant policy or guidance to suggest a room should be provided with a good view. However, outlook does not relate specifically to views, rather to ensuring claustrophobic living conditions are not created for occupiers. Therefore, whilst the suggestion to substitute the proposed obscure glazing for clear glazing would overcome the lack of outlook for future occupiers of the development, it would create further harm to the living conditions of neighbouring occupiers in addition to that already identified.
22. To conclude the development would not provide acceptable living conditions for future occupiers having regard to the provision of private outdoor space and outlook. The development would therefore conflict with Policy H14 (Conditions on development in Housing Areas) of the UDP which states that new development will be permitted provided that amongst other things it is well designed and the site would not be over-developed or deprive residents of garden space. The development would also conflict with paragraphs 117 and 127 of the National Planning Policy Framework (the Framework) which seeks to secure development which functions well and provides a high standard of amenity for all existing and future users.
23. The Council's reason for refusal in relation to this main issue also refers to Policy H5 (Flats, Bed-Sitters and Shared Housing). This policy does not directly relate to individual dwellings such as those being considered in this appeal and I have not therefore identified conflict with this particular policy. However, this does not override the harm I have identified against Policy H14 and the Framework.

Other Matters

24. The Council's delegated report sets out highway safety concerns relating to the under provision of off-street car parking spaces to serve the development. However, the reasons for refusal on the Council's decision notice do not include such matters. Given I am dismissing the proposal on the substantive issues, I need not consider this matter any further.

Conclusion

25. For the above reasons the appeal is dismissed.

M Russell

INSPECTOR