



Appeal Decision

Site visit made on 6 August 2019 by L Wilson BA (Hons) MA

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2019

Appeal Ref: APP/J4423/W/19/3229299

120 Bushey Wood Road, Sheffield, S17 3QD

- 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 and Mrs Capps against the decision of Sheffield City Council.
 - The application Ref 18/01553/FUL, dated 20 April 2018, was refused by notice dated 3 December 2018.
 - The development proposed is partial demolition of existing house and erection of a new dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for the partial demolition of the existing house and erection of a new dwellinghouse at 120 Bushey Wood Road, Sheffield, S17 3QD in accordance with the terms of the application, Ref 18/01553/FUL, dated 20 April 2018, and the plans submitted with it, subject to the schedule of conditions set out at the end of this decision.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. An amended version of the description of development has been used based on the decision notice as it provides a more accurate description.

Main Issue

4. The effect of the new dwelling on the character and appearance of the host property and street scene.

Reasons for the Recommendation

5. No. 120 is a detached bungalow with an adjoining annexe extension. The site forms a corner plot and is largely screened by mature vegetation. The area is residential in character and the style of dwellings vary. The area has a spacious feel and established trees and hedging have a positive impact upon the character of the area.
6. The proposal would result in the new dwelling being larger than no. 120 and result in a reduced curtilage. However, the proposed dwelling would not have a detrimental impact upon no. 120 due to the orientation of the two properties.

The appeal property faces Bushey Wood Road whereas the frontage of the new dwelling would face Gilleyfield Avenue. There would be a wide gap between the two properties and the boundary treatment largely screens the existing dwelling. These factors would allow the dwellings to be read separately. The new dwelling would be 1.5 storey in height and would sit lower than the existing annexe extension. This, along with the positioning of the two properties, would ensure that the new dwelling would not have a dominating impact upon no. 120.

7. Within the context of the street the development would not appear out of character. The Council consider the density level is acceptable. The scale of properties varies as both bungalows and two storey dwellings are present. The size and design of the new dwelling would not appear incongruous. Furthermore, the proposal would result in the annexe extension being removed which currently detracts from the character and appearance of the street scene. The new dwelling would sit closer to Gilleyfield Avenue than no. 120 but it is not considered that this would be harmful as the dwelling would be set back from the highway, by approximately 3 meters. Besides, there is not a clear building line along this section of Gilleyfield Avenue.
8. Whilst it is acknowledged dwellings within the street scene have long rear gardens this is not evident from the highway as views to the rear are restricted by existing development. Contrary to the Council's argument, along the public footpath to the north of the site there is not a sense of space due to dense vegetation which results in limited views. The spaciousness of the area would be maintained as there would be a large gap to the neighbouring property, to the north, and on the opposite side of the highway there is a lack of development.
9. The Council does not object to the proposal on the ground that the new dwelling's siting would harm nearby trees subject of a Tree Preservation Order (TPO). Interested parties raise concerns as some of these trees fall within the site boundary. However, the majority fall outside the site. The trees outside the site boundary line the public footpath and have canopies overhanging the site. The proposal would not adversely affect the health or wellbeing of these trees due to the location and siting of the dwelling. A condition could be imposed requiring a tree protection plan and an arboricultural method statement. I will return to this matter later.
10. Consequently, subject to the imposition of conditions, the development would not have a materially harmful effect on the character and appearance of the host property and street scene. Accordingly, the proposal would not conflict with the National Planning Policy Framework, Policies BE5 and H14 of the Sheffield Unitary Development Plan (1998) and Policies CS31 and CS74 of the Sheffield Development Framework Core Strategy (2009).

Conditions

11. A number of conditions have been suggested by the Council. These have been assessed in light of guidance found in the Planning Practice Guidance. To ensure that the TPO trees are protected it is necessary that the condition referred to above shall be complied with before any building or other operation comprised in the development is begun.

12. Conditions 1 and 2 are necessary for certainty. In the interest of visual amenity, conditions relating to materials, landscaping and boundary treatment are required.
13. A condition requiring a drainage scheme is necessary and reasonable. The Council's suggested condition relating to new windows has been re-worded for clarity. Openings should be restricted on the eastern elevation in the interest of safeguarding living conditions. Where necessary the wording has been amended for precision. Conditions regarding surface water, removal of A-H permitted development rights, obscure roof lights or vehicle splays are unjustified and unreasonable given the nature and scale of development.
14. In relation to any pre-commencement condition, a Regulation 2(4) Notice was sent to the appellant to agree the proposed pre-commencement condition. In accordance with the Regulation the appellant was given 10 working days to respond. No response has been received and therefore it is deemed that the appellant has given consent for the pre-commencement condition without their express approval.

Conclusion

15. For the reasons given above, I recommend that the appeal should be allowed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be allowed subject to the conditions below.

A U Ghafoor

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not 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 plans: 1150.12 Rev A, 1150.13 Rev A, 1150.14 Rev A and 1150.15 Rev A.
- 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

- 4) No development above slab level shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include materials, species and a planting schedule. The approved hard landscaping works shall be carried out before the dwelling hereby approved is first occupied and thereafter retained. The approved soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) No development above slab level shall take place until a sample panel of the materials to be used in the construction of the external surfaces have been prepared on site for inspection and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 6) No development above slab level shall take place until a plan indicating the position, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved boundary treatment has been provided. The approved boundary treatment shall be retained thereafter.
- 7) The dwelling hereby permitted shall not be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no first floor windows, other than those expressly authorised by this permission, shall be constructed on the east facing elevation.