



Appeal Decision

Site visit made on 10 September 2019

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 21 October 2019

Appeal Ref: APP/J4423/W/19/3220219

Wrights Hill, Sheffield S2 4NY

- 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 Azmut Kahn against the decision of Sheffield City Council.
 - The application Ref 18/01425/FUL dated 23 March 2018 was refused by notice dated 12 July 2018.
 - The development proposed is erection of a new 4 storey apartment block consisting of 1 studio, 4 one bed apartments, 8 two bedrooomed apartments and 1 three bed apartment.
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Decision

1. The appeal is dismissed.

Procedural Issues

2. The description of the development in the banner heading is taken from the application form. However, during the application process, revised plans were submitted and the proposal is described in the Council's decision notice as "erection of a three storey building to form 12 apartments comprising 8 x 2 beds and 4 x 1 beds".
3. As I am dismissing the appeal proposal and there was no formal agreement between the parties to change the description, I have used the application form description in the banner heading. However, in determining the appeal proposal, I have considered the following plans; P01 Location Plan, P02 Site Layout Revision A, P03 Floor Plans Revision A, P04 Elevations and Sections Revision A which show the proposed three storey building with 8 x 2 beds and 4 x 1 beds.
4. Although the site address in the application form refers to Wrights Hill, Keeton's Hill and Wrights Hill form one continuous street which links the appeal site to London Road. For the sake of clarity, I have referred to the street as Keeton's Hill in my decision.
5. Revisions of the National Planning Policy Framework (the Framework) were published after the issue of the Council's decision notice which refers to the earlier Framework (the 2012 Framework). However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party and I have had regard to the latest version in reaching my decision.

Main Issues

6. The main issues are (i) the effect of the appeal proposal on the character and appearance of the area (ii) the effect on the living conditions of future occupiers of the two northern ground floor apartments with regard to natural light and (iii) the effect on the living conditions of the occupiers of 47 and 49 Sharratt Street with regard to outlook.

Reasons

7. The appeal site is a rectangular piece of land with fencing to the front and sides other than a gap at the front for vehicular access. To the rear beyond a brick boundary wall are dwellings on Sharratt Street which are on a higher level than the appeal site. To the front of the appeal site is Keeton Hill.
8. The parties agree that Keeton Hill was historically a residential street but the area is now largely used for parking with parking areas to both sides of the appeal site and also on the opposite side of Keeton Hill. The appeal site itself is a car park intended for use by customers of a nearby supermarket on London Road.
9. Although the site is identified as being within the London Road District Shopping Centre, the principle of residential development is not in issue. London Road which is to the east of the appeal site is a busy main road with a mix of retail uses and styles of buildings. Although Keeton Hill is off London Road, the location of the appeal site and immediately surrounding area with less built development does have a different character. There is a modern three storey office building further along Keeton Hill near its junction with London Road behind the built development along the frontage of London Road. The building has varying roof levels and is of a very different style and design to the appeal proposal.
10. The appeal proposal is for 12 apartments within a three storey building. Whilst the height of the appeal proposal may be similar to some dwellings on Sharratt Street, the terraced dwellings are on a wider street and their design is very different. Whilst the appellant refers to dwellings on Sharratt Street as three storey, apart from Nos 47 and 49, dwellings behind the appeal site are two storey with loft space. Nos 47 and 49 are of a more modern design than the other dwellings backing onto the appeal site and do not have loft space and are not as tall as the other dwellings. In terms of massing, scale and design, the appeal proposal and the dwellings on Sharratt Street are not directly comparable.
11. Whilst there are three storey properties on London Road, they largely have retail units at ground floor level and form part of a frontage on a main road. In contrast, the appeal proposal would be isolated as apart from the dwellings behind the boundary wall to the rear, the appeal site is surrounded on all sides by car parking.
12. The appellant has referred to a list of permissions which it considers to be relevant when considering the scale of the appeal proposal. The building permitted at 164 to 176 London Road would have retail on the ground floor and sit between tall buildings including existing three storey elements to one side as there are shops on the main road with two storeys above. I do not

agree that this single building illustrates the character context of the appeal site. Each application therefore has to be considered on its own merits with regard to its context and particular facts. I do not find this example or the other examples provided to be directly comparable to the particular context and setting of the appeal proposal.

13. The density of the appeal site would be approximately 215 dwellings per hectare. Terraced houses in the vicinity have a density of approximately 205 dwellings per hectare. Whilst the Council policies do allow for a greater density than the policy requirement of 70 dwellings per hectare near or in the city centre, that is qualified by the proposed development being in keeping with the character of the area. The appellant refers to the proposed footprint being similar to 10 terraced properties which occupied the site historically. However, as with comparisons to Sharratt Street, individual terraced dwellings are very different to the appeal proposal.
14. In order to accommodate 12 units, the internal layout shows communal corridors to the rear of the appeal proposal and windows to the rear are limited and do not relate to habitable rooms. The windows to the front of the appeal proposal would overlook Keeton Hill and the car park beyond. The amenity space would be at the back between the rear elevation and the brick wall with dwellings on Sharratt Street with no natural surveillance. The need for three storeys to accommodate 12 units does impact upon the scale and design features of the appeal building.
15. The appeal proposal would have a very contemporary appearance with materials to be used including aluminium windows and metal cladding as well as brick. The large rectangular shape with the overhang element to the front, the overall mass and scale and the proposed materials would together create an over-dominant feature in a narrow street where there is limited surrounding development.
16. I do therefore find that the appeal proposal would harm the character and appearance of the area. It would therefore be contrary to Policies BE5 of the Sheffield Unitary Development Plan Adopted March 1998 (the UDP) and Policy CS74 of the Sheffield Development Framework Core Strategy Adopted March 2009 (the Core Strategy) which, amongst other things, states that good design will be expected. It would also be contrary to S10 of the Core Strategy which states that development shall be well designed and of a scale and nature appropriate to the site.
17. It would also be contrary to Policy CS26 of the Core Strategy which, amongst other things, states that density of new development should be in keeping with the character of the area. It would also be contrary to Paragraphs 127 and 130 of the Framework which refer to development functioning well and adding to the overall quality of the area and not approving poor design which fails to take opportunities available for improving the character and quality of an area.
18. The Council's decision notice also refers to Paragraph 53 of the 2012 Framework although the Committee report refers to Paragraph 57. Paragraph 53 of the 2012 Framework related to development in residential gardens and Paragraph 57 of the 2012 Framework related to plan making rather than decision making. I do not therefore find either Paragraph to be relevant to the appeal proposal.

Living Conditions of future occupiers

19. The proposed layout of the appeal proposal includes two ground floor apartments set underneath an overhang metal cladding section of the proposal. The appellant considers that the apartments meet a minimum acceptable daylight factor although limited information is provided. Whilst it is agreed that an east facing elevation in itself may not be an issue, the only windows to habitable rooms to these apartments would be on the east elevation with the overhang above. I do consider that the combination of the location of the apartments, the overhang and the number of windows would mean that there would be limited natural light.
20. I do find that the appeal proposal would harm the living conditions of future occupiers of the two northern ground floor apartments with regard to daylight. It would therefore be contrary to Policy S10(b) of the Core Strategy which, amongst other things, states that new development will be permitted provided that it would not cause residents to suffer from unacceptable living conditions. It would also be contrary to Paragraph 127(e) of the Framework which refers to creating places with a high standard of amenity for future users.

Living conditions of occupiers of Nos 47 and 49 Sharratt Street

21. Nos 47 and 49 Sharratt Street are a pair of semi-detached dwellings with very modest gardens that would back onto the appeal proposal. They are a different design and are smaller than the other dwellings that back onto the appeal site. The 3 storey appeal building would be in close proximity to the existing brick wall which forms the boundary between the back gardens and the appeal site. The appellant states that only a small portion of the appeal building would be within 3.3 metres of the boundary No 47 and that the distances to other dwellings on Sharratt Street would be greater. Whilst, the distances between buildings is likely to be sufficient to restrict overbearing issues from inside the dwellings on Sharratt Street, the height, scale and design of the appeal proposal with limited windows in the rear elevation would, in my view, be overbearing to the occupiers of Nos 47 and 49 when using their modest outdoor amenity space. Whilst there are examples referred to by the appellant of rear gardens enclosed by elevations of adjoining properties, I have limited details of the examples and do, in any event, have to assess the appeal proposal on its own merits.
22. I do therefore find that the appeal proposal would harm the living conditions of the occupiers of Nos 47 and 49 Sharratt Street with regard to loss of outlook. The appeal proposal would therefore be contrary to Policy S10(b) of the Core Strategy which, amongst other things, states that new development will be permitted provided that it would not cause residents to suffer from unacceptable living conditions. It would also be contrary to Paragraph 127(e) of the Framework which refers to creating places with a high standard of amenity for existing users.

Planning Balance and Conclusion

23. The parties agree that the Council is unable to demonstrate a 5-year supply of deliverable housing land. The Council's Core Strategy figure is more than five years old and the latest Strategic Housing Land Availability Assessment provides a figure of 4.5 years.

24. Therefore, in accordance with paragraph 11 (d) of the Framework, as this is an application for the provision of housing, the development policies which are most important for determining the application are considered out of date. I am consequently required to consider under paragraph 11(d)ii of the Framework if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits is engaged, when assessed against the policies in this Framework taken as a whole.
25. The local economy would benefit in the short term during the construction period and in the long term through expenditure from future occupiers. Socially, I note the accessibility of the appeal site to local services and the city centre. Whilst, the appellant refers to New Homes bonus payment that would be a benefit that is not unique to this appeal proposal in this location. I acknowledge that this is a brownfield site and that the provision of 12 homes would make a contribution to the existing housing shortfall. Although the appellant considers that the accommodation has been designed to meet the needs of present and future generations, I have not found that to be the case.
26. I have also found that the appeal proposal would harm the character and appearance of the area and there would be harm to the living conditions of some future occupiers with regard to daylight. I have also found harm to the living conditions of occupiers of No 47 and No 49 Sharratt Street with regard to outlook. I therefore conclude that the adverse impacts would significantly and demonstrably outweigh the benefits. For these reasons, the appeal is dismissed.

E Griffin

INSPECTOR