The Planning Inspectorate

Appeal Decision

Site visit made on 10 December 2019

by Graeme Robbie BA(Hons) BPl MRTPI

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

Decision date: 16 January 2020

Appeal Ref: APP/J4423/W/19/3234565
Victoria House, 117 Manchester Road, Crosspool, Sheffield S10 5DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
- The appeal is made by Mr Shabir Ali (A & A Properties Ltd) against the decision of Sheffield City Council.
- The application Ref 18/04105/FUL, dated 27 October 2018, was refused by notice dated 19 February 2019.
- The development proposed is demolition of modular building and erection of 14 apartments (1, 2 and 3 bed) with ancillary parking. Relocation of stepped access.

Decision

1. The appeal is allowed and planning permission is granted for demolition of modular building and erection of 14 apartments (1, 2 and 3 bed) with ancillary parking. Relocation of stepped access at Victoria House, 117 Manchester Road, Crosspool, Sheffield S10 5DN in accordance with the terms of the application, Ref 18/04105/FUL, dated 27 October 2018, subject to the conditions set out in the attached Schedule of Conditions.

Procedural Matters

2. I have noted that the appeal building is referred to by a variety of names in the various submissions of both parties. In the interests of clarity and consistency, I shall refer to the appeal property as No. 117 in my decision.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Broomhill Conservation Area.

Reasons

4. The appeal property is an unlisted building of local townscape merit within the Broomhill Conservation Area (CA). The Conservation Area's Character Appraisal (CACA) identifies a number of key characteristics of the CA as a whole, noting particularly the characteristic large Victorian villas set within substantial landscaped grounds with prominent trees.

5. No. 117 is located towards the western end of the CA on Manchester Road. Although part of a later extension to the CA known as the Shore Lane Extension, the appeal site displays a range of features identified as being characteristic of the CA as a whole. Thus the reasonably dense mature trees located principally around the perimeter of the plot are typical of the area and contribute to the verdant, sylvan setting of the appeal plot and the western end of Manchester Road within the CA.

6. Furthermore, the coach house originally associated with No. 117 is a discrete presence and does not diminish the significant sense of space around the main building within the plot. The mature trees and often dense undergrowth combine to provide an effective and dense, if largely seasonal, visual screen between the site and Manchester Road. Thus, the visual prominence of No. 117 within the streetscene is limited, albeit to a varying degree, glimpsed through less dense sections of the perimeter landscaping, and in longer views along the entrance drive. The significant differences in ground levels within the site, and between the site and Manchester Road also play a significant role in maintaining the sense of verdant sylvan spaciousness about the building which is a key characteristic of the CA. Neither the coach house nor the existing modular building are of sufficient scale to visibly or materially diminish the sense of space about the building.

7. The proposal would bring about the removal of the existing modular building which was, I am advised, previously attached physically and functionally to No. 117 to provide additional floorspace in connection with the former use of that building. Whilst it does not materially diminish the sense of space around the building as experienced from public vantage points or from adjacent plots, the building is nevertheless an unsightly feature which detracts from the verdant landscaped setting and terraced ground of No. 117. Its removal is a positive aspect of the proposal and weighs in support of the proposal.

8. Although No. 117 is identified as a building of townscape merit, the CACA notes inappropriate extensions to a number of buildings located towards the western end of the CA, including No. 117. I do not disagree with that assessment, although I also noted from my visit to the site that the building's south and west elevations are largely unadorned by extension, albeit enlivened by more chamfered bays – single storey in the case of the west facing elevation, three storey with a gable peak in the case of the south facing elevation. It is these two elevations that I find most pleasing and also those which would be most affected by the proposed apartment building.

9. Despite the CACA noting that a key characteristic of the CA is of large detached Victorian Villas, I am broadly satisfied that the siting of the proposed building would not cause substantial harm to the character or appearance of the CA. The combination of the site's verdant, mature trees and often dense undergrowth around much of the site's perimeter, and particularly along the northern Manchester Road boundary, the substantial stone boundary walls and the significant difference in ground levels is such that both the proposed building and No. 117 would be perceived as being set within spacious plots. As such, the proposal would not, in my judgement compromise the understanding of No. 117 as a large detached Victorian villa set within spacious grounds.

10. Moreover, the proposal's north facing elevation would extend to only three storeys. Together with the significantly lower ground level of the upper terrace relative to Manchester Road, the stone boundary walls and the intervening vegetation, the building would have an unobtrusive presence. Glimpsed views would, as with No. 117, remain possible but the proposed building would be sufficiently distant, and detached, from No. 117 to retain the credible hierarchy of buildings that is referred to in the submissions before me.

11. However, responsive use of the terraced grounds within the site would be such that the building's presence when viewed from the northern elevation would be

modest and unobtrusive. As well as being physically separate from No. 117 and capable of maintaining a degree of spacing between the two buildings commensurate with the prevailing sense of detached buildings and spaciousness across the CA, the building's north-facing elevation would be set behind that of the existing building. The proposal would therefore avoid overt physical or visual competition with No. 117 and would ensure that the key characteristics of the CA, as experienced from Manchester Road, would be preserved.

12. The Council devote much effort to the consideration of setting, and the setting of heritage assets as if No. 117 is a designated heritage asset. It is identified as a building of townscape merit, but it is not listed and is not therefore a designated heritage asset; the designated heritage asset being the CA. Nonetheless, the proposal's relationship with the existing building is important. Whilst my conclusions are set out above in respect of the proposal in relation to Manchester Road, the main body and bulk of the proposed building and the effect of its relationship would be more clearly felt from within the site, from close quarters to the east and west, and from the south.

13. The Council describe the building's footprint as being 'sprawling'. Certainly, a comparison of the respective building's footprints would appear to confirm that the proposal's north-south depth would be greater than that of No. 117, and also deeper than No. 117's east-west width. That does not, however, necessarily amount to a sprawling footprint and, even if I were to conclude that it did, it does not follow that that would be harmful to the character or appearance of the CA.

14. The choice of materials would be unambiguously contemporary in their application, if not palette, particularly in the upper elevations viewed from the south, east and west. That would not be fatal, however, and I accept that appropriately chosen materials would ensure that the verdant, sylvan nature of the site's perimeter, a key characteristic of the CA, would be reflected and bounced around in views of the building from these angles. Such a clear split in the approach to elevational materials would also ensure that the bulk and massing of the south-facing elevation would effectively and usefully broken up. Straddling, as it would, the substantial drop in levels from the upper to the lower terrace, the design and materials chosen would ensure that the clearly differentiated elements of that elevation would not compete with, or overpower, the pleasing and well-proportioned south elevation of No. 117.

15. Equally, relationship between the existing building's west facing elevation and the proposed building's east elevation would be such as to avoid direct competition with, or the overpowering of, the former's west elevation. Moreover, the proposal would also ensure the creation of an improved entrance elevation to No. 117. Whilst it may be that the original carriage drive and turning area were lost along with the siting of the modular building and the extensive parking area between it and the embankment to Manchester Road, the proposal would respond to an opportunity to enhance the approach to No. 117 and would, in turn, serve other purposes in terms of contributing to, and maintaining, the CA's character of detached buildings within spacious plots.

16. Further, in glimpsed views from Manchester Road along the access drive, the proposed building would be set back behind No. 117's north-facing elevation and thus be a recessive feature in those, albeit limited views. As it would be

sited towards the western end of the site's upper plateau, the difference in ground levels between that terrace and Manchester Road would be at its most pronounced. The proposed building would respect the dominant scale, height and siting of No. 117 and the views of it, again glimpsed through tree canopy and shrub undergrowth, would be fleeting and diffused.

17. The CACA, in its assessment of the character sub-area that the appeal site lies within, notes infill development as one of the area's key characteristics. The Council do not object to the principle of infill development on the appeal site and, in relation to the appeal proposal at least, I do not disagree. For the reasons I have set out above, the proposed development would not cause harm to the identified key characteristics of the CA as a whole, or to the sub-area at a more immediate level.

18. The proposal would require the removal of a handful of trees from within the centre of the site. Because of their height and position on an upper terrace within the tiered grounds of No. 117, these trees contribute depth from the middle of the site to the verdant setting of Manchester Road with depth of greenery and tree canopy present along Manchester Road. However, the Council acknowledge that these trees[1] are in any event close to existing structures within the grounds and that pressure to remove them exists because of visible damage that they are contributory factors to.

19. I have not been presented with any further evidence that would lead me to conclude otherwise. The presence of these particular trees within the wider Manchester Road streetscene is limited and, whilst selective pruning and management of perimeter trees is also proposed, the removal of the centrally positioned trees would do little to alter the prevailing verdant character of Manchester Road, the Shore Lane extension to the CA and the wider CA itself.

20. Subject to final agreement of the proposed external materials, I see no reason why the building's palette of materials could not broadly reflect the tone on No. 117 without competing with or challenging its primacy within the site. There would be contemporary elements to the proposed scheme, but I do not find these to be harmful to the character or appearance of the CA, in part as I consider the justification behind this approach to be sufficiently compelling, but also linked to the reasons I have set out above in terms of the proposed building's relationship with key views, aspects and characteristics within the CA and the Shore Lane extension.

21. No. 117 is identified within the CACA as being a building of townscape merit albeit noted, along with Tapton Court, as having been subject to large extensions which detract from the original architectural quality of the building. Nonetheless, such buildings of townscape merit are noted as making a positive contribution to the character and appearance of the CA. The proposal would not directly impact upon No. 117 but it would be located within the setting of No. 117. However, for the reasons I have set out above, I am satisfied that the proposed building would preserve the essential characteristics of the Shore Lane extension to the CA and of the wider CA.

22. The proposal would not result in substantial harm to the heritage asset; the designated heritage asset in this instance being the Broomhill Conservation

[1] Identified as trees T20 – T22 and T41 – T42 on Anderson Tree Care 'Tree Location Plan' and supporting documentation and submissions

Area. As an unlisted building of townscape merit No. 117 is an undesignated heritage asset within the designated heritage asset. Paragraph 193 of the Framework states that great weight should be given to the designated heritage asset's significance. Any harm thereto should require clear and convincing justification[2]. The appellant has provided a compelling justification to the design approach adopted in this instance, and from all that I have seen and read, I am satisfied that the proposal would not cause harm to the character or appearance of the CA, and in reaching this conclusion I have carefully considered the content of the CACA regarding the Shore Lane extension and the CA as a whole and the role of No. 117 as a non-designated heritage asset within the CA.

23. For these reasons, I am satisfied that there would be no conflict with the provisions of Unitary Development Plan policies H14, BE5, BE16 or BE17, policies CS31 and CS74 of the Core Strategy or the relevant provisions of the Framework with regard to design and proposals affecting heritage assets. Having regard to the provisions of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), as the proposal would preserve the character and appearance of the CA, there would be no harm thereto.

Other Matters

24. I have carefully considered matters relating to living conditions, and particularly privacy, between occupiers of existing properties and the proposed development. I acknowledge the concerns of occupiers of the neighbouring property to the west of No. 117 that the proposed building would be positioned towards the western side of the appeal plot. However, I have also noted the Council's assessment of the separation between the proposed building and the western site boundary, and I observed directly presence of mature trees and shrub undergrowth along this boundary. The space around the building that would exist, and which would retain the sense of large buildings within spacious, verdant sylvan plots, would also contribute, with the imposing presence of the perimeter trees within, and adjacent to, the plot to ensuring that the proposal would not cause material harm to the living conditions of occupiers of neighbouring properties.

25. I have also considered matters relating to the use of the access driveway in terms of noise and disturbance, highway safety with regard to the junction with Manchester Road and on the local highway network, tree protection and flood risk and drainage. I note that these matters did not form part of the Council's reason for refusal and are not contested matters between the two main parties. I have not been presented with any further compelling evidence that would lead me to conclude otherwise, either individually or cumulatively.

Conditions

26. I have considered the suggested conditions in light of the Framework and Planning Practice Guidance. Where necessary I have amended the conditions in the interests of precision or clarity.

27. In addition to time limit and plans conditions, which are necessary in order to provide certainty and the interests of good planning, a condition regarding tree

[2] Framework paragraph 194

protection measures is necessary to ensure their protection during construction. So too, conditions regarding detailed hard and soft landscaping plans and their subsequent implementation.

28. Conditions requiring the construction of a sample panel of masonry and the submission of details of other external details, materials and finishes are appropriate given the proposal's position within the Conservation Area and adjacent to a building of townscape merit. Similarly, and also in the interests of character and appearance, a condition regarding details of services is also necessary.

29. In the interests of energy efficiency and encouraging means of transport other than the private car, conditions regarding energy efficiency measures and cycle parking and storage are also necessary. The provision and retention of appropriate parking arrangements are necessary in the interests of highway safety once the development is complete, but also in terms of deliveries and loading / unloading during the construction period. Conditions regarding surface and foul water disposal are necessary in the interests of ensuring that the site is properly drained and serviced. For these reasons I have attached conditions accordingly.

Conclusion

30. For the reasons I have set out, and having considered all other matters raised, I conclude that the appeal should succeed. The appeal is allowed.

Graeme Robbie

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 must be carried out in complete accordance with the following approved documents: Site Location Plan Ref: 001 REV A Scan Date 30 Nov 2018; Site Layout: Ref: 002 REV A Scan Date 30 Nov 2018; Level - 2 Floor Plan Ref: 003 REV A Scan Date 30 Nov 2018; Level - 1 Floor Plan Ref: 004 REV A Scan Date 30 Nov 2018; Ground Floor Plan Ref: 005 REV A Scan Date 30 Nov 2018; First Floor Plan Ref: 006 REV A Scan Date 30 Nov 2018; Second Floor Plan Ref: 007 REV A Scan Date 30 Nov 2018; Elevations Sheet 1 of 2 Ref: 008 REV A Scan Date 30 Nov 2018; Elevations Sheet 2 of 2 Ref: 009 REV A Scan Date 30 Nov 2018; Sections A-A, B-B, C-C, D-D, E-E, and F-F Ref: 010 Scan Date 30 Nov 2018 and Design & Access Statement Prepared by Cowley Associated Scan Date 30 Nov 2018; Heritage Statement Prepared by Andrew Whitham Scan Date 30 Nov 2018; and Topographic Survey Ref 4028 Scan Date 30 Nov 2018.

3) No development shall commence until full details of measures to protect the existing trees, shrubs and hedges to be retained, have been submitted to and approved in writing by the local planning authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The local planning authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

4) No development shall commence until a report has been submitted to and approved in writing by the local planning authority, identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the local planning authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

5) No development shall commence until detailed proposals for surface water disposal, including calculations to demonstrate a 30% reduction compared to the existing peak flow based on a 1 in 1-year rainfall event have been submitted to and approved in writing by the local planning

authority. This will require the existing discharge arrangements, which are to be utilised, to be proven and alternative more favourable discharge routes, according to the hierarchy, to be discounted. Otherwise greenfield rates (QBar) will apply.

An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30-year return period storm with the 100-year return period storm plus climate change retained within the site boundary. The development shall thereafter be carried out in accordance with the approved details.

6) No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the local planning authority. This shall include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

7) No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the local planning authority. Thereafter, such areas shall be provided to the satisfaction of the local planning authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the local planning authority.

8) No demolition and / or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be submitted to and approved in writing by the local planning authority before it is installed, and shall thereafter be retained for the duration of construction.

9) A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the local planning authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the local planning authority. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing by the local planning authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

10) A sample panel of all proposed masonry/stone shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the local planning authority prior to the commencement of the building works and shall be retained for verification purposes until the completion of such works.

11) Details of all proposed external materials and finishes, including samples when requested by the local planning authority, shall be submitted to and approved in writing by the local planning authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

12) Large scale details, including materials and finishes, at a minimum of 1:20; of the items listed below shall be submitted to and approved in writing by the local planning authority before that part of the development commences:
(a) External Doors
(b) Windows
(c) Window reveals
(d) Fascia's
(e) Rainwater goods
(f) Roof lights/Lantern
(g) Roof Detail
(h) Bin Store
(i) Entrance Detail

Thereafter, the works shall be carried out in accordance with the approved details.

13) Details of the location, specification and appearance of all new services to the building (including meter boxes, outlets and inlets for gas, electricity, telephones, security systems, cabling, trunking, soil and vent stacks, fresh and foul water supply and runs, heating, air conditioning, ventilation, extract and odour control equipment, pipe runs and internal and external ducting) shall be submitted to and approved in writing by the local planning authority before installation.

14) Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the local planning authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the local planning authority and the development shall not be occupied until such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

15) The apartments shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

16) Surface water and foul drainage shall drain to separate systems.

**** end of schedule****