



Appeal Decision

Site visit made on 6 July 2020 by Andreea Spataru BA (Hons) MA

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2020

Appeal Ref: APP/J4423/W/20/3251465

37 Hinde House Lane, Sheffield S4 8GY

- 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 Munir Hussain against the decision of Sheffield City Council.
 - The application Ref 19/04343/FUL, dated 2 December 2019, was refused by notice dated 10 February 2020.
 - The development proposed is described as "Partial change of use to dwellinghouse (C3) ground floor into letting (A1), shop (wedding planner), erection of single storey front extension to form shopfront".
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Decision

1. The appeal is dismissed.

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.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons for the Recommendation

4. The appeal site relates to a mid-terraced dwelling located on the western side of Hinde House Lane. The appeal property is located in a Housing Area, as defined in the Sheffield Unitary Development Plan (UDP), within close proximity of a shopping centre. Whilst most of the properties on this street are in residential use, there are also several commercial units at the ground floor of neighbouring properties located within proximity of the site, on both sides of the street, towards the junction with Page Hall Road.
 5. The proposal seeks to use the existing lounge, which is located to the front of the dwelling, as a retail unit. The rest of the dwelling would remain in residential use. The original Victorian bay window would be replaced by a single storey flat-roofed front extension, which would project along the full width of the front elevation and would have a box roller shutter.
 6. Policy H14 of the UDP states that new developments or change of use in Housing Areas will be permitted provided that, amongst other things, they occupy only a small area and not lead to a concentration of non-housing uses
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which would threaten the residential character of the Housing Area. The justification for Policy H14 of the UDP indicates that the acceptability of an individual proposal depends on how many other non-housing uses already exist in the Housing Area. In addition, Policies H14 and BE5 of the UDP and Policy CS74 of the Sheffield Development Framework Core Strategy (CS) require new extensions to be well designed by having regard to the scale and character of the original building and neighbouring buildings.

7. Notwithstanding the small scale of the retail unit, the proposal would introduce an additional commercial unit which would extend the cluster of retail uses further into the residential street. The removal of the original Victorian bay window, which is a positive feature of the street scene and a common element of the residential properties on Hinde House Lane, and its replacement with a projecting flat roofed extension would be detrimental to the residential appearance of the street. The alterations to the front of the dwelling including the introduction of roller shutters, which would have an oppressive appearance when closed, albeit similar to the other commercial units on this street, would further undermine the residential character of the street. Notwithstanding the length of Hinde House Lane, an extended concentration of shopfronts and commercial activity at the ground floor of residential properties would have an adverse impact on the residential character and appearance of the area.
8. I note that the properties on either side of the proposed retail unit are in residential use. Given the small scale of the development, the commercial activity that would be generated by this unit alone would be limited. Nonetheless, further increase in commercial activity along with the physical alterations of the site would have an overall detrimental impact on the character and appearance of the area.
9. The appellant has drawn my attention to several commercial units located within proximity of the site, including to the planning permission¹ that was granted for what appears to be the first retail unit on the western side of Hinde House Lane. The appellant argues that the same policies were applied at the time of that decision. Whilst I do not have full details of these cases, I note that the context of the proposal is different, given that currently there are several commercial units on this street. Accordingly, the cumulative impact of the cluster of retail units is determinative in the case of the proposal before me.
10. The Council has drawn my attention to an appeal decision² it considers relevant. It relates to development at 104 Page Hall Road where the Inspector dismissed the appeal on the basis of the impact that over-proliferation of retail units would have on the residential character and appearance of the area. The proposal in that case also related to a change of use of the ground floor from residential to retail. Considering the relative proximity of that property and the similarity in the context, I have given significant weight to this appeal decision.
11. Therefore, I conclude that the proposal would have an adverse impact on the residential character and appearance of the area, contrary to Policies H14, BE5 of the UDP and Policy CS74 of the CS.

Other matters

¹ Planning application ref: 14/03228/FUL

² Appeal ref: APP/J4423/W/19/3227679

12. Notwithstanding the role that small retail units play in residential areas and the benefits they bring to residents, given the context of the appeal site and my findings above, the limited benefits of the proposal do not outweigh the harm that I have identified.
13. I note that no objections have been made by third parties. However, a lack of objections is not a determinative factor.

Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR