
Appeal Decision

Site visit made on 13 October 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2020

Appeal Ref: APP/J4423/W/20/3254108

Land between 94 and 98 Wheel Lane, Grenoside, Sheffield S35 8RN

- 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 Stuart Dempsey against the decision of Sheffield City Council.
 - The application Ref 19/03073/FUL, dated 20 August 2019, was refused by notice dated 20 November 2019.
 - The development proposed is the erection of two detached dwellings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on 1) the character and appearance of the area, 2) the living conditions of occupants of 98 Wheel Lane with regard to outlook and light, and 3) the living conditions of future occupants of house two with regard to garden size.

Reasons

Character and appearance

3. The appeal site comprises vacant land and is located within a predominantly residential area. The site is located between 94 and 98 Wheel Lane, where there is a marked slope in a downward direction towards Ecclesfield. There is a wide range of property styles in the area including bungalows and two storey properties. Several of these properties have roof level accommodation. In general, the heights of existing properties reflect the slope in the road giving a stepped roofline to the street.
4. The proposed dwellings would sit between two existing dwellings. One of these, 98 Wheel Lane, is a dormer bungalow that sits on an elevated site, and the second, 94 Wheel Lane is a bungalow.
5. Like many of the existing dwellings, the proposed dwellings would be elevated above the road level. This would increase their prominence in the street-scene. The proposed dwellings include sizeable roofs with dormer windows. As demonstrated in the street-scene elevation, they would be greater in scale and height to the dwellings on either side. Due to their overall scale and height they would be inharmonious with, and would harmfully disrupt, the established stepped roofline which corresponds to the slope of the road. For these reasons,

the dwellings, and in particular their roofs, would appear unduly dominant and incongruous in the street-scene.

6. I accept that the surrounding area includes other two-storey properties, some of which have roof level accommodation and dormer windows. I find that on the whole, these properties incorporate hipped roofs and are less dominant in the street-scene than the proposed properties would be. Similarly, I have been made aware that the adjacent dwelling, 98 Wheel Lane, has been increased in height. Whilst the merits of that decision are not before me, as this property is a dormer bungalow, I do not find it directly comparable to the appeal proposal.
7. I therefore conclude that the proposed dwellings would cause significant harm to the character and appearance of the area. They would be contrary to Policies H14 and BE5 of the Sheffield Unitary Development Plan (1998) and Policy CS74 of the Sheffield Development Framework Core Strategy (2009) which seek, amongst other things, that new buildings are well designed and would be in scale and character with neighbouring buildings, respecting topography.
8. The proposal would conflict with Chapter 12 of the National Planning Policy Framework (the Framework) (2019) that outlines, amongst other things, that planning decisions should ensure that developments add to the overall quality of the area; are visually attractive as a result of good architecture; are sympathetic to local character, including the surrounding built environment; and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Living conditions – existing occupants

9. Proposed house one, including its single storey element, is distinctly deeper than the surrounding properties. It clearly breaks a defined rear building line of the surrounding properties, albeit this includes extensions and conservatories to some properties.
10. House one would occupy an elevated position above 98 Wheel Lane, with the flat roof of the single storey element at the rear of the property sitting at a height just above the eaves of 98 Wheel Lane.
11. Due to the difference in levels and the height and projection of the single storey element of house one, I consider it would have a significantly harmful impact on the outlook from 98 Wheel Lane. Given the orientation of the proposed dwelling in relation to the existing dwelling, for these same reasons, there would also be an unacceptable impact on levels of light to the property.
12. The submitted plans show that the single storey element would not break a 45-degree line when drawn from the rear of the neighbouring property. In my experience, such assessments can be an appropriate tool when considering extensions to existing properties that are on the same building line. The reference to such an assessment in the Councils Supplementary Planning Guidance (SPG), Designing House Extensions is in relation to two-storey extensions and includes the caveat that in some situations, for example level differences need to be considered individually and the guidance may not apply. I therefore give little weight to the compliance of the proposal with a 45-degree line drawn from the neighbouring property when considering the effect on outlook and light.

13. I therefore conclude that the proposal would cause significant harm to the living conditions of occupants of 98 Wheel Lane with regard to outlook and light. It would be contrary to Policy H14 of the Sheffield Unitary Development Plan (1998) which requires, amongst other things, that new development should not deprive residents of light.
14. The proposal would also conflict with Chapter 12 of the Framework that outlines, amongst other things, that development should achieve a high standard of amenity for existing users.

Living conditions – future occupants

15. Proposed house two is a substantial detached, five-bedroom property. It would be sited on a smaller plot than house one. The SPG outlines that in most circumstances, the Council considers a garden size of 50 sqm would be the minimum for a two or more bedroomed house. Although the SPG relates to house extensions, the aim of the guidance relating to garden size would be consistent with the Framework which requires that development should achieve a high standard of amenity for existing and future users, it does not however have the same status as the development plan.
16. Due to its size, and being formed of hard surfacing, I consider that the garden on house two would not provide sufficient amenity space for the dwelling which it is intended to serve. Although the Council's assessment suggests the proposal would provide the minimum area as outlined in the SPG, the appeal proposal is for a large five-bedroom dwelling that is likely to be aimed at families for whom a garden of sufficient size would be of greatest need and requirement for outdoor play, recreation and socialising. The proposed amenity space is also notably smaller than the good standard of amenity space that is provided to the majority of existing dwellings in the surrounding area.
17. Although a grassed area is shown at the front of the property, such spaces are typically for aesthetic purposes and to achieve a set-back from road frontages. They are seldom used in the same way as rear gardens in terms of providing spaces for outdoor play and recreation and I therefore do not consider that this would be a feasible or appropriate alternative to a suitably sized rear garden.
18. The Council's reason for refusal on this matter refers to the proposal constituting over-development of the site. Whilst I have identified that the proposals before me provide insufficient amenity space, I consider that this is borne out of the layout and design before me rather than the actual quantum of development in itself.
19. The proposal would therefore have a significantly harmful effect on the living conditions of the future occupants of house two having regard to outdoor amenity space provision. It would be contrary to Policy H14 of the Sheffield Unitary Development Plan (1998) which requires, amongst other things, that new developments are well designed and laid out.
20. The proposal would also conflict with Chapter 12 of the Framework that outlines, amongst other things, that decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for future users.

Other Matters

21. The site has a long and complex planning history in relation to proposed residential development. There is not however an extant planning permission to develop the site and therefore there is no fall-back position for me to consider. Informal discussions that are given without prejudice, officer recommendations and quashed planning permissions do not represent formal planning decisions and I therefore give these matters limited weight. I have therefore considered the appeal based on the evidence before me and its own planning merits.
22. I acknowledge the appellants grievances in the process, and their honest intentions of creating a family home. However, from the evidence before me, the matters in dispute centre on detailed design elements. The general principle of residential development is not pertinent to the main issues and does not appear to be in dispute. The previous expired planning consents would also suggest this is not a matter in contention.
23. As referred to in representations, I acknowledge that the development would make use of a vacant site and provide two houses. I consider that overall, these are minor benefits of the proposal and do not outweigh the harm I have identified. Additionally, the lack of highway safety concerns in relation to the proposed access and parking arrangement does not justify allowing harmful development.
24. In the case study examples, I have considered those in the area surrounding the appeal site above, where I have found that these relate to dwellings of different design, particularly roofs, and are at different locations. Some of the examples given serve to demonstrate the adverse impact such substantial differences in height and scale can have on issues of acknowledged importance. In any event, I am not bound by these examples or recent planning approvals and have determined the appeal on its own individual planning merits.

Conclusion

25. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR