
Appeal Decision

Site visit made on 10 November 2020 by C McDonagh BA (Hons) MA MRTPI

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2020

Appeal Ref: APP/J4423/W/20/3257375
706 Chesterfield Road, Sheffield S8 0SD

- 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 Danny Grayson of Sport Shack against the decision of Sheffield City Council.
 - The application Ref 20/00994/FUL, dated 11 March 2020, was refused by notice dated 7 May 2020.
 - The development proposed is a new timber fence and gate into under stairs storage area, new decking with timber balustrade, ramp and handrail to rear yard area.
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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 living conditions of the occupiers of adjoining residential properties, with particular regard to noise and disturbance.

Reasons

4. The appeal site comprises a mid-terrace commercial property currently operating as a drinking establishment. The unit fronts onto Chesterfield Road (A61) and is located within an allocated District Shopping Centre (DSC). To the rear there is a modest yard used for storage which backs onto an access lane known as The Dale. The yard also contains a staircase providing access to residential properties above adjoining units.
5. Given the location of the appeal site in a DSC it would be expected to be a vibrant area, with noise levels higher during the day when the majority of activity takes place. To the rear, The Dale is noticeably quieter and includes a number of residential properties and a care home.
6. While there may be no outdoor music, television or heating proposed, the outdoor seating area would generate noise and disturbance from customers talking and comings-and-goings from the premises to the rear. This would

include noise from inside the bar from the increased frequency of opening the door. This noise would be audible in proximity to the dwellings above the unit to either side. The additional noise would be particularly noticeable during evening hours to the rear, when the occupiers of the dwellings above could reasonably expect to enjoy their homes free from significant levels of noise and disturbance. This disturbance would be compounded by the awkward arrangement of customers seated in close proximity to the access staircase for properties above which may cause discomfort for residents.

7. I acknowledge there would be some benefit to the proposal, such as improvements to the appearance of the rear yard. However, these would not outweigh the harm I have identified to the living conditions of nearby residents.
8. With this in mind, and to conclude on the main issue, the proposed seating area would harm the living conditions of occupiers of nearby dwellings with regards to noise and disturbance. It would therefore be in conflict with Policy S10 of the Sheffield Unitary Development Plan. This requires that proposals do not cause residents to suffer unacceptable living conditions with regards to noise.

Recommendation

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

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

10. 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