



Appeal Decision

Site Visit made on 12 January 2021

by Robert Walker BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2021

Appeal Ref: APP/J4423/W/20/3260782

The White House, Vicarage Lane, Sheffield S17 3GX

- 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 Andrew Wild against the decision of Sheffield City Council.
 - The application Ref 20/00040/FUL, dated 2 January 2020, was refused by notice dated 5 August 2020.
 - The development proposed is the demolition of existing dwelling and erection of 9 apartments.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and erection of 9 apartments at The White House, Vicarage Lane, Sheffield S17 3GX in accordance with the terms of the application, Ref 20/00040/FUL, dated 2 January 2020 subject to the conditions set out in the attached schedule.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application which accurately describes the proposal.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the surrounding area, including the setting of the Dore Conservation Area (CA); and
 - The living conditions of the occupiers of Nos 5, 17 and 19 Vicarage Lane (Nos 5, 17 and 19), with particular reference to outlook.

Reasons

Character and appearance

4. The appeal property is a large detached dwelling set within spacious grounds. It is positioned immediately adjacent to the edge of the CA along Vicarage Lane (the lane). The lane contains a variety of properties including several very large

- dwellings and small terraced properties. Trees and planting form important features that contribute positively to the attractiveness of the lane and its distinctly verdant character.
5. It is common ground between the parties that the demolition of the existing dwelling would not be to the detriment of the CA and I have no reason to disagree. The existing building adds to the mix of housing along the lane, but otherwise it has a somewhat neutral impact on the street scene.
 6. The proposed development would replace the existing dwelling with a much larger building. However, the building would be positioned away from both side boundaries and with space to the front and rear. Moreover, the location of the proposed parking and the extent of the front grounds, with individual gardens and additional landscaping, would ensure that the distinctly verdant character of this part of the lane is maintained.
 7. The proposal would be prominent from the lane despite retained trees and additional landscaping. Its increased footprint, height and scale in comparison with the existing built form would be evident. However, the size and shape of the appeal site, the public footpath running along its side boundary and the staggered location of the neighbouring properties would ensure there is a spacious setting for the proposed building.
 8. The proposal would introduce apartments in a street containing individual houses. However, in its spacious setting, despite its size and density in relation to the neighbouring properties, the proposed height, footprint and scale of built form would not appear an overdevelopment of the site. Other elements of its design, including, amongst other things, the materials and fenestration would be appropriate, subject to details reserved by condition. Overall, it would not, in my view, appear as an obtrusive or incompatible form of development.
 9. Drawing the above together, I find that the proposal would not harm the character and appearance of the surrounding area, including the setting of the CA. The proposal would therefore comply with the requirements of Policy BE16 of the Council's Unitary Development Plan (UDP) (1998) and Policies CS31 and CS74 of the Council's Core Strategy (CS) (2009). These stipulate, amongst other things, that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.
 10. The Council also refer to Policies BE5 and H14 of the UDP in its reason for refusal which, amongst other things, seek to achieve good design. Both refer to new buildings being in scale with neighbouring properties, and in this regard, the scale of the proposed building would be larger than its neighbouring buildings. However, considering my findings above, the proposal would not conflict with the objectives of these policies when read as a whole.
 11. The proposal would also comply with the requirements of paragraphs 127 and section 16 of the National Planning Policy Framework (the Framework) in respect of design and the historic environment which, amongst other things, promote good design.

Living conditions (Nos 5, 17 and 19)

12. The proposal would result in a change in outlook from No 5 and its garden. However, there is a public footpath in between and views would be angled due

- to the positioning of the proposed building. The location of the proposed building positioned within its plot, would be such that despite the increased scale and massing from the existing built form, it would not appear overbearing or oppressive.
13. Despite the ground levels, due to the resulting distance between the buildings and the orientation of No 17, the proposal would not be a dominant feature from this property. Even where visible, such as from its garden, the distance to the proposed building would be such that whilst a change of outlook would occur, it would not appear overbearing or oppressive.
 14. The proposal would be clearly visible from the gable windows of No 19. However, despite the topography, the proposed side elevation would not appear unduly dominant from this elevation due to the distance to the proposal, height and the roof slope running away from the side boundary. Moreover, most of the other windows at No 19 are not orientated toward the proposed building and the access drive is positioned near the side elevation of the proposal rather than No 19's private rear garden.
 15. Drawing the above together, the proposal would result in a greater scale of built form than the existing situation. This would be clearly appreciated to varying degrees from Nos 5, 17 and 19 and their respective gardens. However, for a combination of reasons outlined above, the proposal would not appear unduly oppressive or create a sense of enclosure that would harm living conditions.
 16. I therefore find that the proposal would not harm the living conditions of the occupiers of Nos 5, 17 and 19 with particular reference to outlook. I therefore find no conflict with the requirements of Policies BE5 and H14 of the UDP, Policies CS31 and CS74 of the CS or paragraph 127 of the Framework. These seek, amongst other things, to ensure good standards of living conditions for existing occupants.
 17. Policy BE16 and section 16 of the Framework, which have been referenced in the Council's single reason for refusal, refer to heritage matters and are not, therefore, determinative in relation to this main issue.

Other Matters

18. Given the proposed building's positioning within the site, distance to, and orientation of, the neighbouring properties there would not be any significant levels of overlooking between the proposal and neighbouring houses and their respective gardens.
19. There would be a greater degree of activity than that associated with a single dwelling. However, the access drive is positioned along the side of the boundary closest to the footpath, the parking is to the side near the footpath and to the rear in a covered parking area. The combination of this arrangement and the number of units sought would not result in any significant noise and disturbance.
20. I have found that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties. As such, the degree of interference that would be caused would be insufficient to give rise to a violation of rights under Article 8 or Article 1 of the First Protocol of the Human Rights Act 1998.

21. Given the number of dwellings, its location within an urban area and proximity to shops and services the amount of car and cycle parking would be acceptable, and the proposal would not result in unacceptable levels of traffic. There is no substantive evidence before me that the proposal would lead to any highway or pedestrian safety concerns.
22. Concerns have been raised regarding the drainage of the site, however, there is no substantive evidence that the proposal would have any significantly harmful effect on flooding. Moreover, there is no firm evidence that harm to wildlife in the area would occur.
23. The proposal incorporates landscaped grounds including a mix of private and communal areas in a spacious plot. In this regard, future occupiers of the development would have acceptable living conditions.
24. I have been referred to the draft Dore Neighbourhood Plan (NP) which has been submitted to the Council. However, since it is unknown whether it will be made (adopted) in its current form and as it could be subject to change, I give limited weight to the NP.
25. The Council does not consider that the proposal would harm the setting of any listed building in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and I have no reason to disagree with this conclusion. Given the location of the proposal, its spacious grounds, and its design there would be no harm to the setting of Woodbine Cottages.
26. My attention has been drawn to appeal decisions at No 135 Dore Road. I do not have the full details of these appeals and I cannot be certain that they represent a direct parallel to the appeal proposal. However, from the evidence before me, they related to 2 buildings for a larger number of apartments. The characteristics of each site are different, and I have considered the appeal on its own merits having regard to the proposal before me and its relationship to this part of the lane.
27. Each proposal is determined on its individual merits, and a generalised concern that any grant of planning permission would set a precedent for similar developments, does not amount to a reason to withhold planning permission.
28. Concerns regarding the processing of the application, including matters relating to its publicity, are not issues that I can assess as part of this appeal and do not affect the planning merits or effects of the proposal before me.
29. Even if the Council has in excess of a 5-year supply of housing, the proposal would deliver additional housing, boosting the supply of market housing and would make an effective use of the site, as supported by the Framework. Given the quantum of development sought, the overall social and economic benefits would be small. Nonetheless, these benefits do weigh in favour of the scheme.

Conditions

30. Conditions relating to the protection of retained trees and planting, materials, landscaping and boundary treatments are appropriate in the interests of the character and appearance of the development. Conditions relating to the construction of the development are necessary in the interests of safety and proper site management.

31. In the interests of energy efficiency and encouraging means of transport other than by private car, conditions regarding energy efficiency measures and cycle parking are necessary. The provision and retention of appropriate car parking arrangements are necessary in the interests of highway safety. The provision and retention of appropriate bin storage facilities is necessary in the interests of the living conditions of future occupiers.
32. Conditions regarding surface and foul water disposal are necessary to ensure that the site is properly drained and serviced. Conditions securing obscure glazing and the positioning of roof lights are necessary in the interests of the living conditions of occupiers of neighbouring properties.
33. I have adapted the Council's suggested conditions where necessary, and combined several into single conditions, in the interests of precision and brevity. I have omitted the Council's proposed condition 13 and 20, as the means of protecting trees and the details of the car parking surfacing are secured by other conditions.
34. Where necessary, consent has been obtained from the appellant for the use of a pre-commencement condition, as the carrying out of building work in advance of approval could prejudice the scope to agree any changes to the submitted details.

Conclusion

35. In conclusion, I have found that the proposal would not harm the character and appearance of the surrounding area, including the setting of the CA. Moreover, it would not harm the living conditions of the occupiers of Nos 5, 17 and 19, with particular reference to outlook. Even if the Council has a 5-year supply of housing, the proposal would comply with the development plan when read as a whole.
36. For the reasons set out, and having considered all other matters raised, the appeal is allowed, subject to conditions.

Robert Walker

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 hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 1935-NMA-00-ZZ-DR-B-00001 P1; Proposed Site Plan 1935-NMA-00-ZZ-DR-A-00100 P3; Proposed Lower Ground Floor 1935-NMA-00-B1-DR-A-00100 P8; Proposed Ground Floor 1935-NMA-00-00-DR-A-00100 P8; Proposed First Floor 1935-NMA-00-01-DR-A-00100 P9; Proposed Second Floor 1935-NMA-00-02-DR-A-00100 P8; Proposed West Elevation 1935-NMA-00-ZZ-DR-A-00207 P1; Proposed East Elevation 1935-NMA-00-ZZ-DR-A-00205 P1; Proposed South Elevation 1935-NMA-00-ZZ-DR-A-00206 P2; Proposed North Elevation 1935-NMA-00-

ZZ-DR-A-00208 P2; Proposed Bin Store Elevations 1935-NMA-00-ZZ-DR-A-00209 P1; Proposed Sections 1935-NMA-00-ZZ-DR-A-00303 P2; Proposed Section BB 1935-NMA-00-ZZ-DR-A-00301 P3; Proposed Landscape lower ground 1935-NMA-00-B1-DR-A-00101 P2; and Proposed Landscape ground 1935-NMA-00-00-DR-A-00101 P2.

3. No site clearance, preparatory work or development shall commence until a scheme for the protection of the retained trees, shrubs and hedges (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. These measures shall include a construction methodology statement, details, and measures to protect trees during excavation, a plan showing accurate root protection areas and the location and details of protective fencing and signs. The scheme for the protection of the retained trees, shrubs and hedges shall be carried out as approved.
4. No development shall commence until a scheme, (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and thereafter retained in operation.
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, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) The access, parking and turning of vehicles of site operatives and visitors;
 - ii) Storage of plant and materials used in constructing the development; and
 - iii) Wheel washing facilities.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

7. No above ground works shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Details shall include:
- means of enclosure and retaining structures;
 - boundary treatments;
 - hard surfacing materials;
 - Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
 - Details including specification of the green/brown roof (vegetated roof system) in accordance with locations shown on the approved plans;
 - Any external lighting or CCTV; and
 - an implementation and management/maintenance programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

8. Large scale details, including materials and finishes, at a minimum of 1:20; of the external doors, windows, window reveals, fascias, rainwater goods, balconies and roof detail shall be approved in writing by the Local Planning Authority before that part of the development commences. Thereafter, the works shall be carried out in accordance with the approved details.
9. No development above slab level shall take place until details (including samples when requested by the Local Planning Authority) of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
10. No development above slab level shall take place until a sample panel of the masonry/stone to be used in the construction of the external surfaces has been erected on the site. The sample panel 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 that part of the building works. Development shall be carried out in accordance with the approved sample panel, which shall be retained for verification purposes until the completion of such works.
11. The development shall not be occupied unless the bin store, car parking and cycle parking accommodation as shown on the approved plans have been provided in accordance with those plans. Thereafter the bin store, car and cycle parking shall be kept available at all times for those purposes.

12. Before the first occupation of the building hereby permitted, the glazed panels to all balconies/terraces on the rear elevation shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity. The screens shall be permanently retained in that condition thereafter.
13. Notwithstanding the approved drawings all roof lights on the roof slopes facing north and south shall be set, such that their cill height is no lower than 1.8 metres above the finished floor level of the room which they serve before the building is occupied. The roof light positions shall be retained as such thereafter.
14. Surface water and foul drainage shall drain to separate systems.
15. The stone boundary wall to the front of the site fronting Vicarage Lane shall be retained, and at no point shall any part of the wall be removed.

End of Schedule