



Appeal Decision

Site visit made on 24 November 2020 by Andreea Spataru BA (Hons) MA

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2021

Appeal Ref: APP/J4423/W/20/3255986

35 Glen Road, Sheffield, South Yorkshire S7 1RA

- 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 Yaslam Saleh against the decision of Sheffield City Council.
 - The application Ref 20/00667/FUL, dated 20 January 2020, was refused by notice dated 7 July 2020.
 - The development proposed is described as "change of use from dwelling C3 to H.M.O. C4; replacement windows U.P.V.C.; driveway; removal of tree."
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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.

Preliminary Matter

3. The Council's decision notice indicates that the proposal is contrary to several policies. Despite requests, I have not been provided with saved Policies BE5 and BE15 of the Sheffield Unitary Development Plan 1998 (UDP). Therefore, I shall consider the proposal against the policies that I have been provided with, which include: saved policies BE16, BE17 and H14 of the UDP, and Policy CS74 of the Sheffield Development Framework Core Strategy (CS), all of which are relevant to the main issues identified below.

Main Issue

4. The Council raise no objection to the change of use to an HMO or the removal of the tree. Therefore, the main issue is the effect of the proposed replacement uPVC windows and doors, and driveway on the character and appearance of the host dwelling, and whether the proposal would preserve or enhance the character or appearance of the Nether Edge Conservation Area.

Reasons for the Recommendation

5. The appeal site relates to a semi-detached dwelling which faces Glen Road and is part of the Nether Edge Conservation Area (NECA). The dwelling is set back from the road, in line with neighbouring properties, and has a high hedge, a tree and other vegetation to the front. The siting of dwellings in relation to the road and the greenery to their front contribute positively to the character and appearance of the street scene and the NECA.
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6. The Nether Edge Conservation Area Appraisal states that whilst many properties are well maintained with original features intact or being restored, the incremental loss of original materials and detailing continues to erode the character and appearance of the area. The replacement of timber sash windows and timber doors with uPVC alternatives has been especially damaging to the integrity and appearance of many villas. Development that affects the established landscape of the area and results in the loss of mature planting is also considered a threat to the character and appearance of the area.
7. To prevent further incremental damage to the NECA, the Council has implemented an Article 4 Direction which places restrictions on permitted development rights to ensure that proposals such as the replacement of windows and doors and the replacement of front gardens with hardstanding areas, require planning permission.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (the Framework). At paragraph 192, it sets out matters which should be taken into account, including sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness.
9. The appellant sought permission to install uPVC windows and doors. However, uPVC is not a traditional material and tends to be bulkier, flatter, smoother and glossier in finish than traditional timber units, giving it a modern and less refined appearance. This material fails to reflect the detailed appearance of timber joinery. In this case, because the windows and doors are an important aspect of the building's character, the use of uPVC units will cause significant harm to the appearance of the building. In addition, the loss of the existing boundary treatment coupled with the proposed hardstanding area to the front would further erode the verdant character of the street scene. Given the prominence of the property opposite a road junction and its contribution to the street scene, the proposal would have an adverse effect on the character and appearance of the NECA.
10. There are examples of uPVC replacement windows and doors within proximity of the appeal site, as well as properties that have a hardstanding area to the front. Nevertheless, I find that the existing uPVC replacement windows and doors, and the hardstanding areas to the front of properties do not constitute examples of development sympathetic to this part of the Conservation Area, and do not therefore justify the appeal proposal. Furthermore, the Council suggests these other examples pre-date the imposition of the Article 4 Direction which specifically seeks to prevent more alterations of this nature.
11. For the above reasons, the proposal would be harmful to the character and appearance of the host dwelling and fails to preserve or enhance the character and appearance of the Nether Edge Conservation Area and as such does not meet the statutory requirements of section 72(1) of the Act. Furthermore, the development is contrary to saved policies BE16, BE17 and H14 of the UDP, and Policy CS74 of the CS, which collectively state that, amongst other matters,

development should be well designed, appropriate to its context and protect and enhance historic assets using traditional materials.

12. In terms of the approach set out in the Framework, due to the small scale of the development, the harm to the significance of the heritage asset would be less than substantial. In such cases, harm should be weighed against the public benefit of the proposal in accordance with paragraph 196 of the Framework.
13. Given the small scale of the proposal, any benefits in terms of easing the demand for on-street parking, would be limited, particularly as the proposal would result in the loss of an on-street parking space in front of the site. Likewise, any improvement to the function of the road junction would be limited. Accordingly, I consider that the public benefits do not outweigh the less than substantial harm that would arise to the heritage asset.

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.

Andrew Owen

INSPECTOR