
Appeal Decision

Site visit made on 16 March 2021

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 March 2021

Appeal Ref: APP/J4423/W/20/3262661

The Psalter Tavern, 178-180 Psalter Lane, Sheffield, South Yorkshire S11 8UR

- 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 JCAR Psalter Ltd against the decision of Sheffield City Council.
 - The application Ref 20/01928/FUL, dated 7 June 2020, was refused by notice dated 2 October 2020.
 - The development proposed is external stair and rooftop external bar.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 1. The effect of the proposal on the character and appearance of the property and wider area and, linked to that, whether the proposal would preserve or enhance the character or appearance of the Nether Edge Conservation Area.
 2. The effect of the proposal on the living conditions of local residents and guests of the hotel with particular regard to noise, disturbance and privacy.

Reasons

Character and Appearance

3. The Psalter Tavern is a substantial property consisting of two of 'villas' linked by a two-storey flat-roofed extension. The property, which was closed at the time of my visit as a result of the coronavirus pandemic, comprises a bar and restaurant at ground floor and lower ground levels with hotel rooms above. The forecourt of the premises is used as an outdoor seating area in connection with the bar/restaurant and there is a car park to the rear.
4. Permission is sought for the construction of external stairs to the front of the building to serve a roof top bar on the flat roof of the infill element, and for the construction of etched, obscure glazed screens to the edge of the rooftop at both the front and rear.
5. The appeal site lies in a prominent position on Psalter Lane, within the Nether Edge Conservation Area, the character of which is derived in part from the

- spacious layout of large detached villas constructed during the late C19. S.72 (1) of the Town and Country Planning Act 1990 (the Act) requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
6. The 'villas' that form part of the Psalter Tavern are two substantial stone-built buildings with proportions and detailing that reflect their age. The newer linking section is of a lower height, has a rendered finish and simpler detailing than the 'villas' which means that it is seen as a subservient element of the development as a whole and allows the 'villas' to remain dominant on the site, clearly legible as C19 development. Accordingly, as a result of the form, materials, scale and detailing of the buildings, and the spaciousness of the plot, the site makes a positive contribution to the character and appearance of the Conservation Area.
 7. The proposed staircase, which would be constructed in galvanised steel with glazed side panels, would be a substantial, bulky structure on the front of the building, projecting significantly forward of the front elevation onto the forecourt. It would be highly prominent in views along Psalter Lane. I acknowledge the appellants' point that the stairs would be attached to the infill element of the building. Nevertheless, it would be seen in the context of the older properties and in design terms would represent an incongruous addition to the front of the building that would not respect the building line, design or form of the existing development. Therefore, given its size, position and appearance the staircase would detract from the character and appearance of the building as a whole.
 8. The visual harm caused by the staircase would be compounded by the proposed glass façade at roof level. The facade, which would be some 1.8m in height, would significantly increase the apparent height of the infill section, extending it almost to the eaves of the 'villas'. Not only would the positioning of a glazed façade at a high level be an unusual and distracting feature on a building in the Conservation Area, it would also emphasise the presence of the modern element of the property such that it would become less subservient and would thereby visually detract from the character and appearance of the older parts of the property.
 9. Given that the proposal would be highly prominent from within the public realm, the proposal would also fail to preserve or enhance the character and appearance of the Conservation Area. Consequently, the proposal would fail to meet the statutory requirements of the Act. Furthermore, the proposal would be contrary to Policies BE5, BE16 and H14 of the Sheffield Unitary Development Plan (UDP) and Policy CS74 of the Sheffield Core Strategy which require, amongst other things, development to be well designed; to respect the form and detail of the original building; to take advantage of and enhance the townscape character of the city's districts with their associated scale, layout, built form, building styles and materials and to preserve or enhance the character or appearance of the Conservation Area.
 10. The approach of the National Planning Policy Framework (the Framework), paragraph 196, is that where a development proposal would lead to less than substantial harm to the significance of the designated heritage asset, as in this case, that harm should be weighed against the public benefits of the

proposal including, where appropriate, securing its optimal viable use. This is a matter to which I will turn later.

Living Conditions

11. The Psalter Tavern faces residential properties on the opposite side of Psalter Lane, which are situated in an elevated position above the road. To the rear, at a much lower level, are the rear elevations and gardens of a number of properties fronting Penrhyn Road.
12. It is unclear from the evidence before me how many people would be accommodated on the roof top or indeed how that area would be serviced given that the submitted plans indicate the location of the bars on the ground floor. I understand that the roof top area would operate until 10pm, in line with the hours of the operation of the forecourt seating area. However, whilst I acknowledge that the use of the premises as a public house/hotel is well established and that there will have been a degree of activity associated with it, the roof top area would result in a significant degree of external evening activity beyond that which already exists. Accordingly, any noise and disturbance would be significantly increased above its current level. Given the elevated position of the rooftop bar area, its projection towards properties on Penrhyn Road and its level commensurate with that of the houses opposite, it seems to me that such an increase would cause additional disturbance at a time of night when residents should expect a degree of quiet and as such would be intrusive.
13. Given its position above and adjacent to hotel bedrooms, it is also likely that the use of the area could disturb hotel guests. However, given that living conditions in hotels are not necessarily expected to be the same as those within family homes, I am unconvinced that the proposal would have a significant adverse impact on the hotel guests. In addition, I consider the height and opaque nature of the screens would prevent any significant outlook from within the bar area such that would unduly affect the privacy of the guests or the neighbouring residents.
14. Nevertheless, for the reasons stated above, the proposal would have a significant adverse effect on the living conditions of adjoining residents as a result of noise and disturbance. Accordingly, in this respect, the proposal would be contrary to Policy H14 of the UDP which seeks to ensure development would not lead to noise or other nuisance for people living nearby.

Planning Balance

15. The proposal would increase the capacity for outdoor seating associated with the bar/restaurant. It would provide an additional facility for hotel guests and enable more members of the public to use the facilities, a benefit of the scheme given current social distancing requirements. Although I have no detailed evidence before me about the viability of the business, it seems to me that the proposal would be of some economic benefit. These matters carry moderate weight in support of the scheme.
16. On the other side of the balance, the proposal would neither preserve nor enhance the character or appearance of the Conservation Area contrary to the

weighty statutory requirements of the Act. Paragraph 193 of the Framework requires that great weight be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial or less than substantial harm to its significance. In addition, as set out above, the proposal would be detrimental to the living conditions of the adjoining residents. This matter carries significant weight on the negative side of the balance. Accordingly, the public benefits of the proposal do not outweigh the harm I have identified.

17. On that basis the considerations put forward do not indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

S Ashworth

INSPECTOR