
Appeal Decision

Site visit made on 15 June 2021

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2021

Appeal Ref: APP/J4423/W/20/3265726
Land at 45, Dore Road, Sheffield S17 3NA

- 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 David and Stephanie Woskow against the decision of Sheffield City Council.
 - The application Ref 19/03983, dated 28 October 2019, was refused by notice dated 30 October 2020.
 - The development proposed is the erection of 3 dwelling houses including demolition of existing garden chalet to facilitate access.
-

Decision

1. The appeal is allowed, and planning permission granted for the erection of 3 dwelling houses including demolition of existing garden chalet to facilitate access at land at 45, Dore Road, Sheffield S17 3NA, in accordance with the terms of the application Ref 19/03983/FUL, dated 28 October 2019, subject to the conditions prescribed in the attached schedule.

Application for Costs

2. An application for costs was made by David and Stephanie Woskow against Sheffield City Council. That application is the subject of a separate Decision.

Preliminary Matters

3. The appellant has submitted amended drawings showing the deletion of the window to the master bedroom of each unit to overcome the Council's second reason for refusal. Having regard to the principles established through *Bernard Wheatcroft Ltd v SSE*, I am satisfied that this amendment relates to a matter which could have reasonably been controlled by a planning condition and would not prejudice the interests of any parties. The appeal is determined on that basis. This amendment is reflected in the revised plans which are specified in condition 2 below.
4. The Council did not provide a list of suggested conditions. Rather, they have supplemented the conditions schedule provided by the appellant. Accordingly, I have determined the appeal with reference to this final list.
5. To help the delivery of more homes, the Government has applied a 35% uplift to the housing requirement for areas which contain the largest proportion of populated cities and urban centres in England. The appeal site falls within such an area and the transitional arrangements have expired since the appeal was

submitted. The views of main parties were sought on the implications for this appeal. This matter is dealt with later in my Decision.

Main Issues

6. The main issues are the effect of the appeal proposal on:
- the character and appearance of the area, with particular regard to layout and form; and
 - the living conditions of occupants of neighbouring properties, with particular regard to levels of privacy.

Reasons

Character and appearance

7. Situated within a mature, leafy suburban residential neighbourhood of Dore, the appeal site is a generously sized, individually designed, 2 storey detached dwelling. It is set within a substantial and maturely planted elongated plot. The front boundary is delineated by a wall and substantial mature trees behind. Dual vehicular access points serve a private looped driveway. As such, the appeal site enjoys a high level of seclusion.
8. Other properties in Dore Road and the surrounding streets off it tend to share these attributes which contribute positively to the high quality of the built and natural environment here and define the overall important character and appearance of the area. This extends to more recent developments in the form of small cul-de-sac development and subdivision of plots which were evident within this street scene. My attention was also drawn to several back land developments in the wider area which shared some of these characteristics.
9. The appeal proposal would result in the subdivision of this substantial plot. The results of this would not be immediately evident from Dore Road itself. This is because the proposed dwellings would be largely screened by the mass of the host dwelling.
10. Furthermore, the layout and form of the new access would not be dissimilar to the dual arrangement which already exists. This would be consistent with the boundary enclosures along both sides of Dore Road which tend to be punctured by vehicular accesses at regular intervals along its length.
11. Consequently, the presence of the appeal scheme would be largely limited to those views currently enjoyed across existing rear garden areas by neighbouring residents.
12. The layout and form of the appeal proposal would reduce the mature, leafy character and appearance of this substantial somewhat secluded rear garden area. However, the existing trees within the site are not the subject of any designations which would afford them protection. Moreover, the Council has not sought to take any such action in response to the threat of their loss. A reasonable degree of tree cover would be retained, and a landscaping scheme could necessarily be secured through a planning condition.
13. The proposed layout would increase activity in the mid to bottom part of the garden through the intensification of use. This could reduce the current level of tranquillity enjoyed by surrounding properties which is characteristic of the

- area. However, this would not be of a level that would be unreasonable within such a suburban residential context and would be mitigated by the boundary treatment and planting that would be retained.
14. The submitted evidence does not demonstrate that the appeal proposal would be at odds with the overall density of development within this neighbourhood. Moreover, I observed that the density of development, layout, form and spacing between the proposed dwellings would not be too dissimilar to that which is already evident in this area and these form part of the character and appearance of the neighbourhood.
 15. The Council has not raised any objections to the design, scale and materials of the proposed dwellings. Based on the evidence before me and my site visit, I have no cause to dispute that assessment.
 16. Overall, the host property would continue to present as a large dwelling situated within generous, maturely planted grounds when viewed from the street. The form of development proposed would be inconspicuous in the street scene and the resulting plots would echo the secluded nature of many properties in this area. Such an arrangement would not compromise the existing visual aesthetic of this neighbourhood.
 17. The appeal proposal would therefore have a neutral impact on the character and appearance of the area.
 18. Paragraph 124 of the Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 states that developments should add to the overall quality of the area and be sympathetic to local character. In view of my findings, there would be no conflict with the Framework in these regards.
 19. For all of these reasons, the appeal proposal would not be harmful to the character and appearance of the area, with particular regard to layout and form.
 20. Policy CS 31 of the Sheffield Development Framework Core Strategy (the Core Strategy) states that in this part of Sheffield priority will be given to safeguarding and enhancing its areas of character. Infilling and windfall developments are recognised as defining factors in terms of what can be accommodated.
 21. Policy CS 26 of the Core Strategy requires densities of new developments to be in keeping with the character of the area.
 22. Furthermore, saved Policy H14 of the Sheffield Unitary Development Plan (the UDP) states that new development will be permitted in housing areas providing that, amongst other things, they would be in scale and character with neighbouring buildings and the neighbourhood.
 23. Saved Policy BE5 of that plan sets out the principles for achieving good design, including amongst other things that the development complements the scale, form and architectural design of surrounding buildings and the site's natural and built features.
 24. In the absence of harm, the appeal proposal does not conflict with any of these policies.

Living Conditions

25. The host dwelling enjoys substantial separation distances and levels of privacy with its immediate neighbours to either side and to the rear on Cavendish Avenue. This is because of the size of their respective gardens and the substantial mature planting within these gardens and along the party boundaries. The appeal site does however sit at a higher level than neighbouring No 43, Dore Road.
26. The appeal proposal would narrow these separation distances between existing dwellings. Nonetheless, given the size of the respective gardens, reasonable separation distances would be retained between properties. There would be no windows facing directly onto dwellings in Cavendish Avenue. Moreover, the amended window arrangement which has been submitted to this appeal would mean there would be no direct overlooking into the host dwelling or existing neighbouring dwellings on either side of the appeal site.
27. Furthermore, although the windowed elevations of each of the proposed dwellings which would face outwards towards the rear gardens of surrounding properties on Dore Road, they would be located well within the confines of the appeal site. However, there would be some scope for overlooking into the rear portions of the surrounding rear garden areas of properties on Dore Road and more obliquely across to garden areas of properties in Cavendish Avenue.
28. Nonetheless, due to the intervening boundary treatment this would be limited to the first floor bedroom windows of each plot and would tend to be interrupted by intervening tree cover and other vegetation both within the proposed plots and beyond. Moreover, such visibility would not be dissimilar in level to the current visibility levels which are possible from the upper floor rear windows of the host dwelling. Consequently, it would not represent a significant increase in overlooking which would be unacceptable.
29. The Council's assessment raised concerns only in respect to the window treatment to the first floor master bedroom of plot 3 in this regard. The amended arrangement which is before me has addressed this reason for refusal as it eliminates direct overlooking from a position which is very close to the party boundary with No 47, Dore Road. A satisfactory relationship with No 47 would be secured in this regard without compromising the living conditions of future occupants of the proposed dwellings.
30. Furthermore, the resulting separation distances whilst reduced, would not be unduly diminished should No 47 be extended to the rear because of the distances, mature planting and boundary treatment that would be retained.
31. For these reasons, the appeal proposal would not harm living conditions of the occupants of neighbouring properties, with particular regard to existing levels of privacy.
32. Paragraph 127 of the Framework states amongst other things that developments should create places with a high standard of amenity for existing and future users. In the absence of harm there would be no conflict with the Framework in this regard.
33. Saved Policy H14 of the UDP states new development will be permitted where, amongst other things, it would not deprive residents of privacy. In the absence of harm in this regard the appeal proposal does not conflict with this policy.

Other Matters

34. No substantive evidence has been submitted to demonstrate that the appeal proposal would have an adverse impact on the capacity of local sewerage infrastructure. In the absence of harm, there is no conflict with the Local Plan or the Framework in this regard.
35. In the interests of managing surface water drainage so as to avoid harm, a planning condition would be necessary to ensure that hard surfacing is permeable and that there is a net reduction in surface water run-off from the site. Subject to compliance with this condition, there is no conflict with the Local Plan or the Framework in this regard.
36. There are no parking restrictions in the vicinity of the appeal site's frontage onto Dore Road. The evidence submitted does not indicate that there are current on-street car parking pressures in the area or that the area is nearing capacity in that regard. The Local Highway Authority has raised no objections to the appeal proposal. Moreover, the appeal proposal would make provision for a satisfactory number of parking spaces within the site for both the host property and the proposed plots and also space for turning. These could be necessarily and reasonably secured in perpetuity through a planning condition. Consequently, the appeal proposal would not give rise to unacceptable levels of on-street car parking. In the absence of harm, there is no conflict with the Local Plan or the Framework in this regard.
37. I have already found that the appeal proposal would not harm the character and appearance of the area. The scheme would reflect the height of built development in the area. Private parking and garden areas would be incorporated for both the host property and each new plot. Moreover, satisfactory relationships with neighbouring properties and their gardens would also be achieved. Consequently, the appeal proposal would not represent over development. Therefore, there is no conflict with the Local Plan or the Framework in this regard.
38. The appellant has advanced that a 5 year supply of housing land cannot be demonstrated in light of the Government's recent uplift to the housing requirement. However, the Council has not updated its assessment in response to this recent change. Nonetheless, regardless of the existing position the appeal proposal would make a limited contribution to both the housing land supply and future delivery of housing in the area. This represents a benefit of the appeal proposal.
39. The appeal proposal would provide some limited local employment benefits during the construction phase given its small scale and short term duration.
40. Other matters advanced by the appellant regarding the proposal's compliance with other policies do not constitute benefits of the scheme. I have identified no harm to the character and appearance of the area or to living conditions of neighbouring residents. No other harm has been identified.
41. Having had regard to all of these matters, it is evident that there are no adverse impacts which would arise from granting permission in this instance which would significantly and demonstrably outweigh the benefits of the appeal proposal, when assessed against the policies of the Framework taken as a whole. Therefore, the appeal proposal meets the presumption in favour of

sustainable development set out in paragraph 11(d) of the Framework. This weighs in favour of the appeal proposal.

Planning Balance

42. This appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. When assessed against the Framework, the appeal proposal meets the presumption in favour of sustainable development. Furthermore, I have found no conflict with the development plan when taken as a whole. This indicates that a decision should be taken in accordance with the development plan in this instance.

Conditions

43. Planning conditions to secure the implementation of the appeal proposal within a reasonable timescale and in accordance with the approved plans are necessary in the interests of certainty.
44. Details of materials, landscaping, boundary treatments are necessary to ensure that the appeal proposal assimilates with its context.
45. In order that the character and appearance of the area and the living conditions of adjacent residents can be maintained to an acceptable level it is necessary and reasonable to rescind the permitted development rights normally afforded to dwellings. The appellant is accepting of this condition.
46. Conditions to secure the sustainable use of energy and details of the treatment of foul drainage and surface water are necessary to minimise the environmental impacts of the appeal proposal.
47. A condition to secure wheel washing facilities during the construction phase is necessary in the interests of highway safety. For the same reasons a condition requiring the provision and retention thereafter of on-site car parking is necessary.

Conclusion

48. For the reasons given above, I conclude that the appeal should be allowed, subject to the prescribed conditions.

C Dillon

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development shall be begun not later than the expiration of three years from the date of this decision.
2. The development must be carried out in complete accordance with the following approved documents:

Site Location Plan

Proposed Site Layout (19:003:101 Rev C)

General Arrangement Site Sections (19:003:102 Rev B)

General Arrangement House Plans: Plot 1 (19:003:103 Rev C)

General Arrangement House Plans: Plot 2 (19:003:104 Rev C)

General Arrangement House Plans: Plot 3 (19:003:105 Rev D)

General Arrangement Elevations: Plot 1 (19:003:106 Rev C)

General Arrangement Elevations: Plot 2 (19:003:107 Rev C)

General Arrangement Elevations: Plot 3 (19:003:108 Rev D)

Drawing No 4459 sheet 1 of 2 Rev 0

Drawing no 4459 sheet 2 of 2 Rev 0

3. No development shall take place until a report has been submit to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy.

Any agreed renewable or low carbon energy equipment, connection to a decentralised or low carbon energy source, or agreed measures to achieve the alternative fabric first approach, shall have been installed or incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed or incorporated prior to occupation.

Thereafter, the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

4. Surface water and foul drainage shall drain to separate systems. No development shall take place until details of surface water and foul drainage systems have been submitted to and approved in writing by the Local Planning Authority. These will include measures to secure a net reduction of surface water run-off. Once agreed, the measures shall be put in place prior to occupation and thereafter retained.
5. Before any above ground works commence, full details of the proposed external materials shall have been submitted to and approved in writing by the Local Planning Authority.

6. The car parking, turning area and new driveway into the site shall be constructed of permeable or porous surface materials. Thereafter, the approved permeable or porous surface material shall be retained.
7. Details of the proposed site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority. The new dwellings shall not be occupied unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclose shall be retained.
8. A hard and soft landscaping scheme for the site and timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence or within an alternative timeframe to be agreed in writing by the Local Planning Authority. The landscaping works shall be implemented thereafter in accordance with the approved landscaping timetable.
9. The proposed dwellings hereby approved shall not be occupied unless the car parking accommodation shown on Proposed Site Layout Ref: 19:003:101 Rev C has been provided in accordance with that plan and thereafter, such car parking accommodation shall be retained for the sole purpose intended.
10. No demolition or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, schedule 2 Part 1 (Classes A to H) Part 2 (Class A) or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations including windows which materially affect the external appearance of the proposed new dwellings shall be provided without prior planning permission being obtained from the Local Planning Authority.