
Appeal Decision

Site visit made on 6 April 2021

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2021

Appeal Ref: APP/J4423/W/21/3266560

Land at former 142, Cross Lane, Crookes, Sheffield SW10 1WP

- 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 and Mrs Roman against the decision of Sheffield City Council.
 - The application Ref 20/01447/FUL, dated 6 May 2020, was refused by notice dated 8 July 2020.
 - The development proposed is the erection of a single dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a single dwelling at land at former 142, Cross Lane, Crookes, Sheffield SW10 1WP, in accordance with the terms of the application Ref 20/01447/FUL, dated 6 May 2020, subject to the conditions prescribed in the attached schedule.

Application for Costs

2. An application for costs was made by Mr and Mrs Roman against Sheffield City Council. That application is the subject of a separate Decision.

Preliminary Matters

3. The site address stated on the planning application form is incomplete. For the purposes of the heading and paragraph 1 above, I have relied upon the address cited on the decision notice. I have omitted from the description of the appeal proposal any reference to the previous planning application as that is not a form of development.
4. The ownership of the adjacent footpath and retaining wall along the boundary with properties on Salisbury Road have been disputed by neighbouring interested parties. Procedurally, there is no basis for me to reject the appellant's subsequent submitted stance and in any event that matter is not determinative to the outcome of this appeal. Neither has there been justified cause for me have concerns about the accuracy of the submitted plans.
5. Since the appeal was lodged a revised national Planning Policy Framework (the Framework) has been published. The main parties have been given the opportunity to draw my attention to any implications of this on the appeal. The appeal is determined accordingly.

Main Issue

6. The main issue is the effect of the appeal proposal on the character and appearance of the area.

Reasons

7. The appeal site comprises a previously developed, now vacant parcel of land. It is situated to the rear of 140 Cross Lane, and adjacent properties along Cross Lane and Salisbury Road. The sloping topography here means that there is a significant change in levels between these existing properties and the appeal site, the appeal site being at a mid-level between the two.
8. This predominantly residential neighbourhood comprises a tight network of traditional terraced dwellings which are surrounded by more recent, less dense residential development. The continuous frontages of these terraces create a strong sense of physical containment. From these urban streets, views along the narrow alleyways provide infrequent glimpses through to the rear outdoor areas and properties behind.
9. Running alongside the appeal site, a narrow ginnel cuts through to connect Cross Lane and Salisbury Road. This offers a narrow, leafy and somewhat intimate passage for pedestrians. It provides views of rear outdoor areas associated with nearby dwellings where the height of the assortment of existing boundary enclosures and the positioning of buildings permit.
10. Being enclosed by temporary metal fencing along the boundary with this route, the appeal site briefly offers an uninterrupted uncultivated but green aspect for its pedestrian users. It also enables the private space between the rear of facing properties to be appreciated. However, this aspect deviates from the prevailing character and appearance of the wider neighbourhood.
11. The appellant's design statement articulates the rationale for the proposed design in detail. They seek to reinstate a built presence within the appeal site. The outward presence of the appeal proposal from the ginnel is intended to appear as a boundary wall with a gated access, as opposed to a dwelling frontage. The use of the site's existing basement infrastructure seeks to limit the finished height of the proposal. It is advanced that these design measures seek to make the proposed dwelling invisible within its surrounding context.
12. The appeal proposal would reduce the green aspect currently enjoyed from this pedestrian route. However, the changes that would arise to the appearance of this part of Crookes would be extremely localised. This is because the continuous built form of these surrounding properties would screen the appeal proposal's presence from view along the fronts of Cross Lane and Salisbury Road. Furthermore, the low level finished heights of the flat roof form and use of a green roof system would limit the visual presence of the appeal proposal from elevated vantage points from within the surrounding dwellings and retain a reasonable sense of greenery and space.
13. The appeal site is substantially screened by a high retaining wall when viewed from the lower rear outdoor areas and ground floor windows of dwellings on Salisbury Road. The appeal proposal would not substantially extend above that level. Therefore, even if that existing structure were to be removed the impact of the appeal proposal's presence would be not be significantly different to the existing situation. Even at ground floor level, the more elevated properties on

Cross Lane would continue to enjoy their existing open outlook over the appeal site onto Salisbury Road. Therefore, such a change would not be incapable of assimilating successfully within the surrounding built up context so as not to significantly diminish the sense of space between the rear elevations of existing dwellings.

14. From the adjoining ginnel the appeal proposal would present as a rather unremarkable high boundary enclosure running along the edge of the footpath route and sit behind the existing boundary enclosures and retaining walls. This arrangement would give rise to a sense of enclosure not too dissimilar from that elsewhere along the ginnel. Its duration and height would not give rise to an unacceptable tunnelling effect.
15. Consequently, the existing change in levels, the depth of the basement infrastructure and height of the existing intervening boundary enclosures would minimise the degree to which the appeal proposal would be visible from the surrounding properties and along the adjoining ginnel. In line with the design objectives advanced by the appellant, the appeal proposal would not visually present itself as a backland housing development. As such, the particular scheme would not be jarring with the pattern of development which defines the character and appearance of this network of terraced dwellings. Overall, whilst representing a change to the appearance of the site, the particular appeal proposal would have a neutral presence within its wider context.
16. Paragraph 130 of the Framework states that planning decisions should ensure that developments add to the overall quality of the area and are sympathetic to local character, including the surrounding built environment, while not preventing or discouraging appropriate change, such as increasing densities. Developments should also maintain a strong sense of place amongst other things. The appeal proposal would not conflict with these measures.
17. For these reasons, the appeal proposal would not cause unacceptable harm to the character and appearance of the area.
18. The appeal site has been the subject of a previous Decision whereby a different scheme for one dwelling was dismissed. The Inspector found that proposal would cause significant harm to the character and appearance of the area. Although no subsequent substantive changes to the site and its context have been advanced, the scheme before me does differ to that previous proposal. This is because although it has a larger footprint, the bespoke design solution now employed, particularly along the elevation facing onto the ginnel, has substantially lessened the presence of the proposal as a dwelling for the reasons given above.
19. Although the appeal scheme before me still represents change, this would not be of a nature or level which would cause harm to the character and appearance of the area which was previously identified through that appeal. Consequently, that previous Decision does not alter my findings.
20. Policy BE5 and Policy H14 of the Sheffield Unitary Development Plan (the UPD) and Policy CS74 of the Sheffield Development Framework Core Strategy (the Core Strategy) all seek to achieve good design. Policy CS24 of the Core Strategy gives priority for the development of new housing on previously developed land. The appeal site enjoys such status. Furthermore, Policy CS26 of the Core Strategy supports proposals outside of the 40-60 dwellings per

hectare density range specified where they achieve good design, reflect the character of an area amongst other things. The appeal proposal falls within that range which is consistent with the surrounding area. In the absence of harm, the appeal proposal does not conflict with these policies.

Other Matters

21. The proposed dwelling would occupy a high proportion of the appeal site. Reasonable room sizes and private outdoor amenity space would be provided. Rooms would enjoy a satisfactory internal facing aspect onto a private enclosed outdoor area. I have already determined that there would be a limited visual presence and given its somewhat unique juxtaposition with neighbouring properties, the existing sense of space between the rear elevations of these 2 streets would not be compromised. In turn a cramped arrangement from public or private vantage points would not be conveyed. There is no cause to dispute the Council's assessment of these matters. For these reasons, the appeal proposal would not signify over-development of the plot. There would be no conflict with Policy H14 of the UDP in this regard.
22. The degree to which the appeal proposal would be evident above the height of the existing boundary enclosures would not be of a level that would cause a significant increase in overshadowing or a significant reduction to existing levels of daylight, sunlight or mutual privacy. For these reasons the separation distances that would be achieved are sufficient in this particular instance.
23. Therefore, the appeal proposal would not undermine the objectives of the Council's 'Design House Extensions' supplementary planning guidance which sets out guidelines to achieve good design and relationships between development proposals and existing buildings. I have no cause to disagree with the Council's assessment in those regards. There would be no conflict with Policy H14 of the UDP in this regard.
24. The Council has raised no objection to the absence of any onsite car parking. The submitted evidence does not indicate that the parking demands of the appeal proposal could not be accommodated on-street or would harm highway safety. There would be no conflict with Policy H14 of the UDP in this regard. Neither would the proposal conflict with paragraph 111 the Framework which states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
25. Since the appeal was lodged the national Housing Delivery Test results have been published. These confirm that housing delivery has been in excess of the housing requirement for the area. Nonetheless, the Council's ability to demonstrate a 5 year housing land supply is in dispute. Since this appeal was lodged the transitional period for applying an uplift of 35% to local housing requirements which is applied to a number of greatly populated areas, including Sheffield, has ended. Evidence updating that position has not been provided to this appeal and therefore the submissions are inconclusive on this matter. Nonetheless, irrespective of the current housing land supply position, I have found no adverse impacts arising from the appeal proposal. Furthermore, the appeal proposal would make a very small contribution to the housing land supply which is a limited benefit weighing in favour of it.

Conditions

26. The imposition of planning conditions relating to implementation timescales and development taking place in accordance with the approved plans are necessary in the interests of certainty.
27. A condition to manage the appearance, installation and maintenance of the proposed green roof system is necessary in the interests of safeguarding the character and appearance of the area.
28. A condition rescinding permitted development rights normally associated with a dwelling is necessary given the confined nature of the appeal site and to safeguard the integrity of this bespoke design in the interests of the character and appearance of the area and the living conditions of neighbouring residents.

Conclusion

29. In the absence of harm, the appeal proposal would not conflict with the development plan when taken as a whole. There are no matters weighing against the appeal proposal that would outweigh this. Therefore, for these reasons, the appeal should be allowed, subject to the prescribed conditions.

C Dillon

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
- 2) The development must be carried out in accordance with the following approved plans:

Location Plan 214-LP (April 2020)

Existing Ground Floor Plan 214-1 (April 2020)

Existing First Floor Plan 214-2 (April 2020)

Existing Roof Plan 214-3 (April 2020)

Existing North-West Elevation (Front) 214-4 (April 2020)

Existing North Elevation 214-5 (April 2020)

Existing East Elevation (Rear) 214-6 (April 2020)

Existing South Elevation 214-7 (April 2020)

Existing Street Scene 214-8 (April 2020)

Existing Cross-Section A-A 214-9 (April 2020)

Existing Cross-Section B-B 214-10 (April 2020)

Existing Cross-Section C-C 214-11 (April 2020)

Existing Ground Floor Layout 3D 214-12 (April 2020)

Existing First Floor Layout 3D 214-13 (April 2020)

Existing 3D View, Street View 214-14 (April 2020)

Existing 3D View. Rear 1 214-15 (April 2020)

Existing 3D View. Rear 2 214-16 (April 2020)

Existing 3D View. North Side 214-17 (April 2020)

Existing 3D View. Top View 214-18 (April 2020)

Existing Site Plan 214-ESP (April 2020)

Proposed Ground Floor Plan 214-19 REV B (June 2020)

Proposed Basement Floor Plan 214-20 REV B (June 2020)

Proposed Roof Plan 214-21 REV B (June 2020)

Proposed North-West Elevation (Front) 214-22 REV B (June 2020)

Proposed North Elevation 214-23 REV B (June 2020)

Proposed East Elevation (Rear) 214-24 REV B (June 2020)

Proposed South Elevation 214-25 REV B (June 2020)

Proposed Street Scene 214-26 REV B (June 2020)
Proposed Cross-Section A-A 214-27 REV B (June 2020)
Proposed Cross-Section B-B 214-28 REV B (June 2020)
Proposed Cross-Section C-C 214-29 REV B (June 2020)
Proposed Ground Floor Layout 3D 214-30 REV B (June 2020)
Proposed Basement Floor Layout 3D 214-31 REV B (June 2020)
Proposed 3D View, Street View 214-32 REV B (June 2020)
Proposed 3D View. Rear 1 214-33 REV B (June 2020)
Proposed 3D View. Rear 2 214-34 REV B (June 2020)
Proposed 3D View. North Side 214-35 REV B (June 2020)
Proposed 3D View. Top View 214-36 REV B (June 2020)
Proposed 3D View. Rear 3 214-37 REV B (June 2020)
Proposed Site Plan 214-PSP REV B (June 2020)
Impact Assessment. Cross Section Part 1 214-IA.1 REV B (June 2020)
Impact Assessment. Cross Section Part 2 214-IA.2 REV B (June 2020)
Impact Assessment. Overlooking Scheme 214-IA.3 REV B (June 2020)
Impact Assessment. Sunlight Analysis 214-IA.4 REV B (June 2020)
Impact Assessment. Amenity Space Scheme 214-IA.5 REV B (June 2020)
Materials and Features Scheme 214-MFS (June 2020)

- 3) The proposed green biodiverse roof (vegetated roof surface) shall be installed on the roof in the locations shown on the approved plans. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site.

The green biodiverse roof shall be installed prior to the use of the building commencing and thereafter retained. The Local Planning Authority shall be notified in writing upon completion of the green biodiverse roof. The plant sward shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), 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 which materially affect the external appearance of the building shall be constructed without prior planning permission being obtained from the Local Planning Authority.