



Appeal Decision

Site Visit made on 14 September 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2021

Appeal Ref: APP/J4423/W/21/3276547

10 High Matlock Road, Sheffield S6 6AS

- 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 Roger Baldwin against the decision of Sheffield City Council.
 - The application Ref 20/04465/FUL, dated 15 December 2020, was refused by notice dated 25 February 2021.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have afforded the main parties an opportunity to comment on the publication of the new Framework¹. I have taken it and any comments made thereon into account.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is a vacant piece of land located within a mainly residential area. It previously housed a bungalow. Whilst the dwellings on this part of High Matlock Road vary in their size and design, there is a consistency in the building lines with the dwellings generally having a presence within the street scene. This creates a strong pattern and grain of development.
5. The proposed development would include two dwellings to the rear of the appeal site with no street frontage. Although there is a number of ancillary domestic outbuildings, there is generally an open aspect between the gardens that gives a more spacious quality to the properties on the eastern side of the road, where the appeal site is located. The proposed development, with two of the proposed dwellings to the rear with no street frontage, would be in marked contrast with the prevailing pattern of development in the vicinity. It would seriously undermine the urban grain and rhythm of plot frontages on this part of High Matlock Road thereby representing an incongruous built form in this locality. The proposed dwellings would be visible in public views from High Matlock Road, as well as private views from surrounding properties.

¹ The National Planning Policy Framework 2021

6. The appellant has identified properties within the wider area as examples of backland development, including the development on Webb Avenue to the east of the appeal site. However, these dwellings appear as a natural extension of the historic pattern of development in this area, which would not be the case with the proposed development. In addition, the dwellings have frontages to the road, even though it is a cul de sac.
7. I acknowledge that there are backland developments in the wider area. Details of the circumstances that led to those developments being granted are not before me. I have determined the appeal scheme on its own merits having regard to the characteristics of the appeal site and its surroundings.
8. Accordingly, the proposed development would significantly harm the character and appearance of the area, contrary to Policies BE5 and H14 of the UDP² and Policy CS74 of the CS³. Amongst other matters, these policies require new development to be in scale and character with neighbouring buildings; avoid over development of sites; complement the scale and form of surrounding buildings and respect, take advantage of and enhance the area's distinctive features including townscape character and associated scale, layout and built form. It would also conflict with the design objectives set out in paragraph 130 of the Framework.
9. The appellant has identified the weight that it is considered should be given to the relevant policies. The Framework makes it clear that policies should not be considered out of date simply because they were adopted prior to its publication. Due weight should be given to them, according to their degree of consistency with the Framework. The policies which I have found the proposed development to conflict with encourage good design and seek to ensure that development respects the character of the surrounding area. These policies are consistent with the objectives of the Framework that seek to achieve well-designed places. On this basis I give Policies BE5 and H14 of the UDP and Policy CS74 of the CS substantial weight.
10. The Council has referred to Policy CS26 of the CS in its reason for refusal on its decision notice. The officer report indicates that this is because the recommendation for densities is 40 to 60 dwellings per hectare whereas the proposed development would be 30 dwellings per hectare. Policy CS26 states that 40 to 60 dwellings per hectare is recommended for developments that are near to Supertram stops and high frequency bus routes in the urban areas. Policy CS26 sets out a density of between 30 to 50 dwellings per hectare for the remaining parts of the urban area. Given the character of the area and its location relative to public transport routes, a density of 30 dwellings per hectare would not be unreasonable. I do not therefore find a conflict with Policy CS26 of the CS.

Other Matters

11. Both parties agree that the Council is unable to demonstrate a five year supply of deliverable housing sites. The Council states that there is a four year housing land supply. The appellant considers that it is 3.95 years. Although the main parties have presented different figures, the broad magnitude of the shortfall identified is relatively consistent.

² Sheffield Unitary Development Plan, adopted 1998

³ Sheffield Development Framework Core Strategy, adopted 2009

12. Footnote 8 of the Framework means that the 'presumption in favour of sustainable development' at paragraph 11d) of the Framework is therefore relevant. As such, the most important policies should be deemed out of date and planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
13. I have not identified any relevant Framework policies protecting areas or assets of particular importance that would provide a clear reason for refusing the proposed development. I am therefore taken to the latter of the two aforementioned situations.
14. I have found that the appeal scheme would cause harm to the character and appearance of the area. This harm would be significant and long lasting. I therefore attach substantial weight to it, having regard to paragraph 130 of the Framework. The Framework also emphasises the importance of delivery of housing. The proposed development would contribute a net addition of three dwellings to the supply of housing in the area. I give this moderate contribution moderate weight. There would also be social and economic benefits such as construction employment and additional residents supporting local shops, businesses and community facilities. Given the number of dwellings proposed, such benefits would be limited and as such have limited weight.
15. The Framework supports development that makes efficient use of land and requires decisions to give substantial weight to the value of using suitable brownfield land within settlements. However, this needs to take into account the desirability of maintaining an area's prevailing character and setting and brownfield sites should be suitable. This would not be the case with the proposed development, based on the harm I have identified to the character and appearance of the area.
16. With the above in mind, the adverse impacts of granting a planning permission for the proposed development would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. Therefore, it would not represent sustainable development for which the presumption in favour applies.
17. The appellant has identified an application which it is considered has parallels with the proposed development. I have not been presented with the full details of that case, nor the evidence which was in front of the Council at the time the decision was made. In any event, I have considered this appeal on its own merits.
18. The appellant states that there would be no loss of privacy, no overshadowing and no excessive odours or noise for occupiers of nearby properties; no harm caused to highway interests or heritage assets; no unacceptable flood risk; and the proposed development would provide sufficient outdoor space for future occupiers. Whilst this may be the case, a lack of harm is a neutral factor in any balance. Accordingly, it would be incapable of weighing against harm.

Conclusion

19. The proposed development would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations, including the approach of the Framework in regard to housing supply, that indicate the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR