



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: 18 October 2021

Appeal Ref: APP/J4423/W/21/3276974

151-153 Thompson Hill, High Green, Sheffield, South Yorkshire S35 4JS

- 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 John Goldingay against the decision of Sheffield City Council.
 - The application Ref 21/00482/FUL, dated 15 January 2021, was refused by notice dated 28 May 2021.
 - The development proposed is the erection of 3no single storey dwellings to rear of property, including car parking, amenity, access, driveway etc.
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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 living conditions of neighbouring residents and whether the proposed development would provide acceptable living conditions for future occupiers, with regard to noise, disturbance and activity associated with vehicle movements.

Reasons

4. The appeal property is a dwelling that, although occupied by the same household, has been considered by the Council as two separate planning units. The rear garden is not subdivided, and it is this area where the proposed development would be located.
5. The proposed access would make use of the existing access point to the appeal property that is located between 151 and 149 Thompson Hill. The access road to the proposed dwellings would run parallel with the boundary of 149 Thompson Hill to access the proposed parking and manoeuvring area in the east of the appeal site. The proposed dwellings would be located to the west.
6. The new access would give rise to movement of vehicles associated with the three proposed dwellings along almost the full length of the boundary with no. 149 and what would be the boundary with no. 151. Given the number of dwellings proposed, the use of the proposed access would give rise to an

¹ The National Planning Policy Framework 2021

unreasonable amount of noise and disturbance associated with vehicle movements passing in such close proximity to the rear gardens of these properties, where a degree of quiet enjoyment would be expected, particularly given that the properties also front onto a road. In addition, the submitted plans show a parking space adjacent to part of the southern boundary of the rear garden of no. 149 which would add to the noise and disturbance from vehicles experienced by occupiers of this property.

7. There is a relatively high stone wall between the appeal site and no. 149 as well as the garage of this property beside the access point. The appellant also states that the access gates could be left open which would reduce noise as well as overlooking for occupiers of no.151. Whilst this may provide some mitigation, I am not convinced that it would be sufficient to address the noise and disturbance from the vehicles generated by the number of dwellings proposed, in particular for the garden areas.
8. The submitted plans show eight parking spaces along the eastern boundary of the appeal site together with a manoeuvring area. The proposed parking spaces would be located adjacent to the rear gardens of 149, 139 and 137 Thompson Hill. The parking spaces would result in noise and disturbance including from manoeuvring vehicles and the closing of doors as people enter and leave the vehicles, given their position in close proximity to the rear gardens of these properties. This could be particularly noticeable and intrusive during summer months when the garden areas are likely to be used more intensively and windows left open. The noise and disturbance are a particular concern for occupiers of no.139 given its small rear garden and the proximity of its rear elevation to the proposed parking area.
9. The appellant states that two cars are already parked at the proposed access therefore the proposed development would give rise to only a marginal increase in vehicles. The proposed development would involve the creation of a new access and parking to serve three dwellings which would all have associated visitors, deliveries and general daily movements. The vehicle movements associated with the proposed development would therefore be substantially different.
10. The proposed dwellings would be located in close proximity to the access road although they would be set further from the parking spaces. Given the vehicle movements and manoeuvring associated with the number of dwellings proposed, for the same reasons as stated above, future occupiers would be subject to an unreasonable amount of noise, disturbance and general activity associated with vehicle movements.
11. Accordingly, the proposed development would unacceptably harm the living conditions of neighbouring occupiers and would fail to provide acceptable living conditions for future occupiers of the proposed dwellings, with particular regard to noise, disturbance and activity associated with vehicle movements. As such the proposed development would conflict with Policy H14 of the UDP² which seeks to protect the amenity of residents amongst other matters. It would also conflict with paragraph 130 f) of the Framework which seeks to ensure a high standard of amenity for existing and future users.

² Sheffield Unitary Development Plan, adopted 1998

Other Matters

12. The evidence indicates that the Council cannot demonstrate a five year supply of deliverable housing sites, with the Council indicating that it is currently four years. As a result, footnote 8 of the Framework means that the 'presumption in favour of sustainable development' at paragraph 11d) is 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 living conditions of existing and future occupiers. This harm would be significant and long lasting. I therefore attach substantial weight to it, having regard to paragraph 130 f) of the Framework. The Framework also emphasises the importance of delivery of housing. The proposed development would contribute 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. 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.
16. I note that the appellant, who would continue to live at nos.151/153, has no concerns with the proposed development and that no objections have been received from neighbouring occupiers. However, this lack of objection does not outweigh the harm that I have identified.
17. The appellant refers to other nearby developments granted planning permission in proximity to neighbours and that do not appear to comply with amenity areas. I have no evidence before me of these other developments and so give this matter very limited weight.

Conclusion

18. 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 the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR