



Appeal Decisions

Site visit made on 15 February 2022

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an Inspector appointed by the Secretary of State

Decision date: 23 February 2022

Appeal A Ref: APP/J4423/C/21/3279433

Land between 94 and 98 Wheel Lane, Sheffield, S35 8RN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Stuart Dempsey against an enforcement notice issued by Sheffield City Council.
 - The notice was issued on 15 June 2021.
 - The breach of planning control as alleged in the notice is the material change in the use of the land for use for the storage of plant, machinery, equipment, fencing, building material, shipping containers and waste, and other miscellaneous items and materials, and the construction of a hard surface footings/foundations on the land.
 - The requirements of the notice are to: (i) Cease the use of the land for the purposes described in paragraph 3 of this notice; (ii) Cease the importation and deposit on the land of further items and materials; (iii) Remove the items and materials detailed in paragraph 3.1 of this notice from the land; (iv) Remove from the land the hard surface footings/foundations that have been laid on the land; and (v) Remove from the land any waste materials arising from compliance with paragraph 5(iv).
 - The period for compliance with the requirement (ii) is one day and with requirements (i), (iii), (iv) and (v) is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.
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Appeal B Ref: APP/J4423/W/21/3277886

Land between 94 and 98, Wheel Lane, Sheffield, S35 8RN

- 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 Stuart Dempsey against the decision of Sheffield City Council.
 - The application Ref 20/02057/FUL, dated 13 July 2020, was refused by notice dated 3 February 2021.
 - The development proposed is erection of two dwellings with associated access, parking and landscaping.
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Decisions

Appeal A Ref: APP/J4423/C/21/3279433

1. The appeal is dismissed and the enforcement notice is upheld.

Appeal B Ref: APP/J4423/W/21/3277886

2. The appeal is dismissed.

Reasons

Appeal B

3. The main issues are the effect of the proposed development on; first, the character and appearance of the area; and second, the amenities of neighbouring residents.

The first issue – the character and appearance of the area

4. The appeal site has a north-west frontage to Wheel Lane, which slopes down quite steeply from south-west to north-east. Vehicular access into the site is at the south-west end of the frontage alongside no. 94. This access continues beyond the site to a gate into a field and between the site and the field is a covered reservoir. To the north-east and south-west of the site is linear residential development. This development comprises, almost exclusively, bungalows with raised ground floors and with or without dormer windows to rooms in roofspaces. To the south of the roadside development and on the opposite side of Wheel Lane, is countryside.

5. The proposed development is for the erection of two dwellings. Each dwelling would have two full storeys, rooms in the roofspace with dormer windows front and back, and a flat roofed kitchen/dining space at the rear with lantern lights and folding doors opening onto a patio space. House One would be alongside no. 98 and about 1.5 metres from the high stone wall along the boundary. There would be a gap of about 2 metres between House One and House Two subdivided by a fence and retaining wall, and House Two would be about one metre from a retaining wall to the access which would be about five metres wide.

6. Ground floor level of House Two, given the natural slope across the site, would be 1.34 metres above the ground floor level of House One. Ridge levels would be similarly different. Ridge levels of bungalows to both sides of the site reflect the sloping ground on which the buildings are situated and rise up from north-east to south-west. The ridge level of House One would be 2.3 metres above that of no. 98. This level difference would be greater than any other ridge level difference in the linear development on the south side of Wheel Lane. The ridge level of House One would be about 1.8 metres above that of no. 94.

7. The development has been designed to reflect the rise in ridge levels of development to the east, that reflect rising ground levels, but the ridge levels of the two proposed houses fail to reflect the fact that the continuity of rising ridge levels extends to the west of the site. This is a direct consequence of the two proposed houses having two full storeys and dormers on their roof slopes. The dwellings, given their additional full storey, would be alien features in the street scene that would be seriously uncomplimentary to the prevailing form of built development on Wheel Lane.

8. The two dwellings would have significantly deeper plan forms, even setting aside the rear single storey elements, than existing dwellings in the area. Taken together with their additional storeys the two dwellings, both individually and collectively, would have a significantly more massive scale than existing buildings on both sides. In this regard it is worth noting that buildings are three dimensional objects, and not two dimensional objects as illustrated on the elevations submitted with the application. The scale and mass of the proposed development are simply too great for it to be a successful infill scheme.

9. Paragraph 126 of the National Planning Policy Framework requires 'the creation of high quality, beautiful and sustainable buildings' and states that 'good design is a key aspect of sustainable development'. The frontages of the two dwellings would have flat exterior walls, repetitive featureless casement windows, and dormers with poor proportions. The proposed development would not, for these and other reasons, represent good design or be sustainable development.

10. The proposed development, for the aforementioned reasons, would have a significant adverse effect on the character and appearance of the area and conflicts with policies H14 and BE5 of the Sheffield Unitary Development Plan (SUDP) and policy CS74 of the Sheffield Core Strategy (SCS). For this reason alone planning permission must be withheld for the proposed development.

The second issue – the amenities of neighbouring residents

11. Taking into account the three dimensional mass of House One in particular, and its proximity to the rear garden of 98 Wheel Lane, the proposed development would be prominent in and would dominate the garden area of this property. A fence would be erected above the stone boundary wall between the two neighbouring properties. This would also dominate the rear garden area and the outlook from a conservatory at the rear of the property. To a lesser degree the proposed development would be a prominent and unacceptable feature in the outlook from the rear garden area of 94 Wheel Lane. The proposed development would adversely affect the amenities of residents of 94 and 98 Wheel Lane in conflict with SUDP policy H14.

Other matters

12. The proposed dwellings would have small private rear patios and lawns. Whilst similar sized dwellings in other locations might have significantly larger private amenity areas not all house owners want large gardens. The amenity areas are adequate and, in this regard, there is no conflict with SUDP policy H14.

13. All matters mentioned in support of the appeal have been taken into account but they do not, either collectively or individually, alter the overall conclusion to be reached in this decision.

Conclusion

14. The proposed development would have a significant adverse effect on the character and appearance of the area and would adversely affect the amenities of neighbouring residents. Planning permission must therefore be withheld and the planning appeal thus fails.

Appeal A

15. Planning permission 18/00924/FUL was granted in 2018 for the erection of 1 no. dwellinghouse on the appeal site. The decision by the Council to grant planning permission was challenged by third parties by submission of a Judicial Review (JR). The JR was successful and the decision of the Council was quashed but the Appellant had already made a start on site to implement the permission. The Appellant was asked to cease work, which he did, and to resubmit the application. This was unsuccessful and a subsequent appeal was dismissed. A further application for the erection of two dwellings was unsuccessful as was another application that is the subject of Appeal B.

16. If an appeal is made against the issue of an enforcement notice, compliance with the requirements of the notice is put into abeyance, and the compliance period starts on the date of issue of the appeal decision. There is no reason, therefore, to extend the compliance period pending the outcome of the appeals. The Appellant and the Council are in dispute about the recovery of costs relating to the quashed planning permission. This is a separate matter and is not relevant to consideration of the appeal. The ground (g) appeal thus fails.

John Braithwaite

Inspector