



Appeal Decision

Site visit made on 1 March 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2022

Appeal Ref: APP/J4423/W/21/3282290

44 Ashland Road, Sheffield, South Yorkshire S7 1RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Rafqat Hussian against Sheffield City Council.
 - The application Ref 20/01931/FUL, is dated 8 June 2020.
 - The development proposed is described on the application form as: 'Timber replacement windows to front and side elevations. Conservatory to main dwelling. Ancillary coach house alterations and extensions to form 'granny flat'. Resubmission of refused application Ref:19/04071/FUL.'
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Decision

1. The appeal is dismissed and planning permission is refused insofar as it relates to ancillary coach house alterations and extensions to form 'granny flat'. The appeal is allowed insofar as it relates to timber replacement windows to front and side elevations and conservatory to main dwelling, and planning permission is granted for timber replacement windows to front and side elevations and conservatory to main dwelling, at 44 Ashland Road, Sheffield, South Yorkshire S7 1RJ in accordance with the terms of the application, Ref 20/01931/FUL, dated 8 June 2020, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 19/10/02/001 - As Existing Location Plan
 - 19/10/02/012A-2021 - Proposals Site Plan
 - 19/10/02/013A 2021 - Proposals Elevations - Dwelling
 - 19/10/02/015/1-2021 - Ground Floor Plan - Dwelling
 - 19/10/02/015/2-2021 - Proposals First Floor Plan Conservatory Roof Plan
 - 19/10/02/016A - Proposals Front Elevation - Dwelling
 - 19/10/02/017B - Proposals Side Elevation - Dwelling
 - 19/10/02/018B - Proposals Rear Elevation - Dwelling
 - 19/10/02/019B - Proposals Section - Dwelling Window Details
 - 3) Details of all proposed external materials and finishes shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.
 - 4) All proposed masonry shall be carried out in accordance with a sample panel of the proposed masonry which shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and

mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority before any masonry works commence and shall be retained for verification purposes until the completion of such works.

Preliminary Matters

2. The appeal is against the Council's failure to reach a decision within the relevant statutory timeframe. However, the Council have provided a report at appeal that makes clear that had they been in a position to do so, they would have refused permission for the development proposed.
3. A previous appeal¹ for a similar form of development at this site was subject to a split decision with the Inspector allowing timber replacement windows to the front and side elevations and conservatory to main dwelling but dismissing ancillary coach house alterations and extensions.
4. The proposed alterations to windows and the proposed conservatory are unchanged from that appeal. The main difference between that and the current proposal is that unlike the previous proposal there is no extension to the coach house extending towards 46 Ashland Road, whilst the extension to the opposite side of the coach house would be reduced in scale and slightly set back from the front elevation of the coach house.
5. The Council has no objections to the proposed replacement windows to the front and side elevations of the dwelling and the proposed conservatory in line with the previous appeal decision. This has informed my main issue below.

Main Issue

6. The main issue is the effect of the proposed alterations and extension to the coach house on the character or appearance of the Nether Edge Village Conservation Area (the CA), with due regard to trees.

Reasons

7. Whilst there are a range of buildings from different periods within its boundary, the CA is characterised by large Victorian and Edwardian villas set close to the front of their spacious plots with larger gardens extending to the rear. Outbuildings where present, are typically not prominent within the streetscene. Mature trees are common, both to the front of properties and within rear gardens, giving the area a verdant character.
8. Although I have not been provided with a Conservation Area Appraisal, the previous Inspector referred to such a document in their decision, setting out the importance of this Edwardian and Victorian villa development in contributing to the significance of the CA. This reflected my impressions on the site visit which was of large dwellings that are characteristic of this period located towards the front of spacious plots.
9. Consistent with the character of the CA, the appeal site is one such substantial period semi-detached villa, set close to the road frontage within a large open paved driveway to the side. This allows views of the coach house from the road, which is located at the back of the generous rear garden. The coach house is of stone construction with a solid appearance (albeit incorporating a

¹ APP/J4423/D/20/3255574

large opening to the side elevation) and distinctive hipped slate roof. Although in a state of disrepair, it makes a positive contribution to the CA.

10. The proposed extension to the side of the coach house would be an incongruous and substantial addition, that would dominate the existing building and occupy a much larger footprint. The proposed dual pitched roof would be set lower than that of the coach house, but its ridge would extend just above the eaves of the coach house, resulting in an awkward joint between two contrasting roof styles. The three sets of fully glazed double doors would contrast with the solid traditional appearance of the existing coach house and would be at odds with its existing character. Overall, the proposed development would radically alter the appearance of the existing building to such an extent that its original form and function would no longer be apparent.
11. Given its scale and much altered appearance, it would give the impression of single storey 'backland' residential development that would be clearly visible within the streetscene. I accept that this would be an annex and not a separate dwelling. However, the proposal would represent a clear conflict with the distinctive pattern of development in the CA of large dwellings located at the front of plots.
12. The proposal would also not be reflective of any other outbuildings in terms of prominence within the streetscene. Furthermore, whilst being mindful that planning applications and appeals should be determined on their own merits, allowing this appeal would, in my view, make it more difficult to resist further applications for similar proposals within rear gardens leading to a cumulative effect that would result in further harm to the significance of the CA.
13. The Council is concerned that the proposal would affect two trees close to the existing coach house. One of these is a large mature tree at the adjacent property but growing very close to the boundary near the coach house and the other is a smaller tree located forward of the site of the proposed extension. Notwithstanding the reduction in size of the proposed extension, given the proximity of the trees to the proposed development site, there is realistic potential for construction works, such as provision of foundations, drainage or other services, to damage their root systems leading to their decline or loss in the future.
14. The trees are prominent and make an important contribution to the verdant character of the CA. I have had regard to the previous appeal decision summarising the Conservation Area Appraisal with regard to trees. This notes the importance of trees as a defining feature of the area and that their decline and loss is the main threat to the established landscape of the area.
15. As with the previous proposal, the appellant has not supplied professional evidence to demonstrate the likely effects of the proposal on the health of the trees. Whilst the proposed extension has been reduced in scale, in the absence of such information, I cannot be satisfied that the proposal would not seriously harm, or result in the loss of, trees that positively contribute to the character and appearance of the CA, nor am I able to consider any options for mitigation.
16. By virtue of the dominant and unsympathetic alterations to the building as well as the harm to trees, identified above, the proposal would fail to preserve or enhance the CA. Nevertheless, the harm that would arise would be less than substantial and in accordance with paragraph 202 of the National Planning

Policy Framework (The Framework), that harm should be weighed against any public benefits of the proposal. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.

17. I accept that the proposal would result in a benefit in terms of the retention of the coach house by bringing it back into regular use. However, this benefit would be limited as the historic significance of the structure would be obscured by the dominant and unsympathetic extension. Consequently, the benefit would be greatly outweighed by the harm identified above. Furthermore, based on what I have seen and read, there are no other public benefits that would outweigh that harm.
18. For the above reasons, I conclude that the proposal would fail to preserve or enhance the character or appearance of the Conservation Area. The proposal would therefore conflict with policies BE15, BE16 and BE17 of the Sheffield Unitary Development Plan (1998) (UDP) with regard to preserving or enhancing the character or appearance of the Conservation Area. The proposal would also conflict with policies BE16 and GE15 of the UDP with regard to the provision of sufficient information to enable the impact on the Conservation Area to be judged and in respect of protecting mature trees. The proposal would also be contrary to the provisions of the Framework which seeks to conserve and enhance the historic and natural environment.

Other Matters

19. The processing and level of communication during the planning application is an administrative matter for the Council and any concerns therewith are not matters that I can take into account in this decision. I have determined the appeal scheme with regard to its planning merits.

Conclusion

20. Whilst I have determined that the appeal should be dismissed in respect of the alterations and extensions to the coach house, the council has raised no substantive concerns in respect of other aspects of the development proposal. Based on what I have seen and read, I also conclude that elements of the proposal consisting of the replacement of windows and the erection of a conservatory would not lead to material harm, including in respect of the CA. The works to the coach house are readily severable from other elements of the proposal, and on that basis I shall issue a split decision.
21. I have considered the conditions suggested by the Council and I have assessed them against the tests in the Framework, amending the wording where necessary for clarity and conciseness. A condition to require the development to be carried out in accordance with the approved plans is necessary in the interests of certainty. I have removed references to plans which relate solely to the coach house as this is not part of the approved development. Details of materials, finishes and masonry are required in the interests of ensuring the proposals are well related to the character and appearance of the area.
22. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant considerations I

conclude that the appeal should be dismissed insofar as it relates to the ancillary coach house alterations and extensions to form 'granny flat', but allowed insofar as it relates otherwise to the timber replacement windows to front and side elevations and conservatory to main dwelling only.

Paul Martinson

INSPECTOR