



Appeal Decision

Site visit made on 3 May 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2022

Appeal Ref: APP/J4423/W/21/3283438

Land to the east of The Old Barn, off South Street, Mosborough

Easting: 442636 Northing: 380709

- 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 Michael Deeley against the decision of Sheffield City Council.
 - The application Ref 20/03765/FUL, dated 28 October 2020, was refused by notice dated 22 April 2021.
 - The development proposed is described as "Demolition of existing outbuilding and erection of 2 x 4 bed detached dwellings, detached garages, associated amenity space, parking, garaging and access".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council relied on a previous iteration of the National Planning Policy Framework (the Framework) in reaching their decision. A revised Framework was published in July 2021. There are no substantive changes relevant to the appeal before me and therefore no interested parties would be prejudiced by my consideration of the 2021 version of the Framework.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The living conditions of the occupiers of neighbouring properties with particular regard to outlook and sunlight;
 - Highway safety with regard to access and visitor parking; and
 - Biodiversity.

Reasons

Living Conditions

4. Two detached dwellings with associated garages would be built on land which has common boundaries with Nos 44 to 48 Kelgate and The Old Barn. The flank wall of one of the proposed houses would be close to the boundary of 46 Kelgate and would be around 12 metres from its rear elevation. Spacing standards are set out in the Council's Designing House Extensions Supplementary Planning Guidance and provides a useful guide in determining an acceptable separation to ensure satisfactory living conditions are provided. I note that level changes have an impact on the distances which would be considered acceptable.

5. There is a slight level change between the houses on Kelgate and the appeal site. The height of the proposal coupled with the large 'T' shaped form of the proposed houses which would extend almost the full width of the boundary with No 46 would be an overly oppressive and dominant feature on that boundary. This would have an overbearing effect upon the outlook from both the back garden and the rear facing habitable rooms for the occupiers of that property.
6. I acknowledge that a number of properties nearby are closer to each other than the proposal would be to No 46. However, all these examples I have been directed towards relate to a planned development which are not directly relevant to the situation before me. This does not persuade me that the proposal would be acceptable in this respect.
7. A sunlight study submitted shows the path of the sun at both the summer and winter equinoxes. It shows that the proposal would cast significant shade onto the gardens of Nos 46 and 48 during the late afternoon and early evening in mid-summer. The limited evidence offered by the study does not provide me with evidence that greater shadow from the proposal would not be cast at other times of the year when the sun is lower. I acknowledge that the study does not take account of the existing vegetation on the boundary. However, the proposal would be far larger and more permanent than any of these features.
8. The boundary between The Old Barn and the appeal site is currently occupied by a single storey brick-built barn which would be demolished to make way for the proposal. It is proposed to retain the existing boundary wall to a height of 2.4m on this boundary. Given the existence of the barn on this boundary and the orientation of the proposal in relation to The Old Barn and its garden I do not consider that the occupiers of this property would be unacceptably adversely affected by the proposal in this respect.
9. Consequently, I conclude that the proposed development would unacceptably affect the living conditions of the occupiers of 46 and 48 Kelgate with respect to outlook and sunlight contrary to Sheffield Unitary Development Plan (UDP) saved Policy H14 which, amongst other things, seeks to ensure that sites are not over-developed to the detriment of the living conditions of residents. It would also not comply with the objectives of Paragraph 130(f) the Framework in this respect.

Highway Safety

10. South Street is relatively narrow and winding with unrestricted parking around the appeal site. At the time of my site visit there were a number of cars parked in the street close to the entrance of the appeal site which reduces the carriageway width to a single lane.
11. The access to the appeal site currently serves 3 properties, one of which is still under construction and another of which appears not yet occupied. Access to the site is single width and is constrained by a high wall and gate pillar to one side and the house at 31 South Street on the other. It is not possible to provide access within which two cars can pass. This could lead to vehicles waiting or reversing in the highway, causing an obstruction to other traffic.
12. UDP saved Policy H14 is clear that it requires that safe access to the highway network from new development be provided. Given the conditions are not

adequate in terms of accessibility and safety, the proposal would conflict with this policy. The policy also seeks to ensure appropriate off-street parking is provided.

13. There is no disagreement between the parties that the detached garages would only be able to accommodate one vehicle due to the restricted width of garage door openings. Furthermore, the layout of the shared access drive at this point would mean that access to them would be compromised and the lack of space immediately in front of them may act as a disincentive to their use and lead to overhanging of the shared access drive.
14. The only other provision within the site would be in a perpendicular arrangement close to the front elevation of the houses. These spaces would be impractical to access vehicle doors on both sides and front doors of the houses if vehicles were occupying the spaces. I accept that the design of the garages could be amended so that they could accommodate 2 cars. However, this would not be reasonably conditioned as a revised garage design could potentially significantly change the overall proposal, which would prejudice interested parties who would not have the opportunity to comment on it. Furthermore, I am not satisfied this would overcome the shortcomings of the layout of the site in respect of parking provision generally.
15. The poor layout of the proposal would not provide an obvious location where visitors could reasonably park without impinging on the ability to manoeuvre safely within the site. Together with the narrow access to the site, it is likely that visitors would park outside of the site which would further exacerbate congestion in the street, to the detriment of highway safety.
16. I conclude therefore that the proposed development fails to provide adequate access and visitor parking to the detriment of highway safety. This would be contrary to saved UDP Policy H14 which, amongst other things, seeks to ensure that new development provides safe access to the highway network and appropriate off-street parking. It would also not comply with the aims of the Framework in this respect.

Biodiversity

17. It is proposed to demolish a small barn to make way for the proposed dwellings. A bat survey identifies that the barn does not contain bat roosts but has moderate potential to support them. Evidence that the barn is used for nesting birds has also been also identified. Furthermore, I have not been supplied with details of landscaping to be retained or enhanced.
18. I accept that both landscaping and ecological mitigation could be conditioned as part of any permission on the site. However, I am obliged to determine the appeal based on the evidence before me. Policy GE11 is clear that the design, siting and landscaping of development should respect and promote nature conservation and should reduce any potentially harmful effects of development on the natural features. To this end, I do not consider that sufficient evidence has been put forward to ensure that there would be no harm to either protected species or the natural environment in general.
19. I therefore find that the proposal fails to provide adequate regard to the biodiversity of the site contrary to UDP Policy GE11 which seeks to protect and enhance the natural environment and ensure that the harmful effects of

development on natural features are reduced. It would also fail to comply with the aims of the Framework in this respect.

Other Matters

20. I have been presented with a detailed analysis of matters in support of the scheme. However, the principle of the development and matters relating to the character and appearance of the site and the proposal are not matters in dispute. The acceptance of the principle of built development is not acceptance of any development regardless of its impacts. I have therefore considered these matters to be neutral in the planning balance and have not affected my conclusions on the main issues.
21. I have had regard to the appellants fallback position that he could use the site for a more intensive operation within Use Class B8. There is little evidence before me to support this claim (such as a certificate of lawful development) and this does not provide a compelling ground on which to allow the appeal.
22. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker to have special regard to be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
23. The site is within the setting of listed buildings at 31 and 33 South Street. Both are Grade II listed. The significance of the setting of the buildings is derived from their association with Mosborough Hall and the historical development of the Mosborough Township. The Council do not consider that the proposal would have any adverse impact on the setting of these buildings, and I have no reason to conclude otherwise. Having considered the setting of these heritage assets I conclude that the proposal would not adversely affect their setting.

Planning Balance

24. The 5-year housing land supply claimed by the Council is disputed by the appellant. I note an appeal decision which post-dates the Council's decision on this appeal which establishes that the Council can no longer demonstrate an adequate supply of housing land and therefore Paragraph 11d of the Framework should be engaged. No evidence has been provided to update this position. Paragraph 11d requires planning permission to be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
25. The proposal would only contribute to a net addition of two dwellings to the supply of housing in the area. Given the number of dwellings proposed, the benefits of providing two houses, including providing construction employment, economic benefits through the development and occupation of the houses and the regeneration of the site would be limited.
26. I have found harm on the living conditions of the occupiers of neighbouring properties, highway safety and biodiversity and that harm when taken together would be significant. With the above in mind, the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh its benefits when assessed against policies in the Framework taken as a whole. Therefore, it would not represent sustainable development for which the presumption in favour applies.

Conclusion

27. For the reasons given above, having considered all relevant material considerations, I conclude that the appeal should be dismissed.

Katherine Robbie

INSPECTOR