



Appeal Decision

Site visit made on 11 October 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2022

Appeal Ref: APP/J4423/W/22/3290183

Land to the rear of 192 to 196 Cundy Street, Sheffield S6 2WP

- 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 Chris Travis against the decision of Sheffield City Council.
 - The application Ref 21/03527/FUL, dated 28 July 2021, was refused by notice dated 14 December 2021.
 - The development proposed is the erection of an office building (B1 Class).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have utilised the appeal site address from the decision notice, as this references land to the rear of 192 to 196 Cundy Street, as does the appeal form. This describes the location of the appeal site more precisely than the application form.

Main Issues

3. The main issues are (i) the effect of the proposal on the living conditions of neighbouring residential occupiers at 192 to 196 Cundy Street with regards to outlook, light spillage, privacy, noise and disturbance; and (ii) whether the proposed development would provide a functional office space with regard to outlook.

Reasons

Living Conditions

4. The appeal site comprises of an area of land to the rear of a short terrace row, together with an access off Cundy Street. The surrounding area is predominantly residential, with properties being closely positioned to others. Many of them are sited to the rear of the footway without any front garden areas and have their amenity spaces to the rear. Some properties have in curtilage parking provision, although from my site observations, many residents park on-street and use other parking facilities in the area such as a car park on the opposite side of Cundy Street.
5. The proposed office building would adjoin an existing neighbouring double garage, but it would be directly to the rear of part of a residential terrace. Although the appeal scheme would use an existing shared driveway access, the proposed single parking space would be immediately to the rear of 192 Cundy Street.

6. The position of the parking space, between the door to the proposed office and the rear of No. 192, would require multiple manoeuvres to enable a vehicle to park fully within this space. These movements would be near to a number of rear ground floor windows and a door that serve No. 192, as well as a number of nearby amenity spaces to No's 194-196 Cundy Street. Although there is limited information before me on the timings and the level and type of activity in the building, given the proposed close positioning of the office building to the terrace, internal activities could give rise to harmful noise and disturbance to neighbouring occupiers. The parking of a vehicle in the confined parking space, which would be immediately next to and directly facing a ground floor window serving No. 192, would also result in light spillage from vehicle lights into the property during the hours of darkness or inclement weather. The lighting, particularly from headlights would be bright and would cause unreasonable disturbance to occupiers of this neighbouring dwelling.
7. Despite the close siting of the proposed building to the terrace, including to the rear amenity areas, it would have a single storey form. As such, I do not consider that there would be an unacceptable loss of outlook as views from the windows in the rear of the terrace and from users of this terrace's rear amenity areas would still be possible over and above the building proposed. Concerns have also been raised in relation to privacy impacts, but any movement to or from the car parking space would be transitory and I do not consider that this would result in harmful overlooking.
8. Although I have not found harm in respect of outlook and overlooking, these matters do not alter or outweigh my conclusion, in respect of this issue that proposal would have an unacceptable adverse effect on the living conditions of neighbouring occupiers with regard to noise and disturbance and light pollution. As such, it would be contrary to saved Policy H14 of the Sheffield Unitary Development Plan (UDP), which seeks, amongst other matters, to ensure that development does not result in unacceptable noise. It would also be contrary to Paragraph 130 of the National Planning Policy Framework (Framework), which seeks a high standard of amenity for existing and future users.

Functional Office Space

9. The proposed building would be served by a number of rooflights that would provide light internally to the office accommodation. It would however have no windows in any of the external walls and although the door would be fully glazed, it is situated to the corner of the building. The door would also be of a limited size compared to the floor area of the proposed office and it would therefore provide little outlook to future users of this space.
10. The appellant has explained that open plan office spaces only have windows to external walls and there are numerous office premises with little or no outlook. Whilst central areas in open plan offices may be artificially lit, the open plan arrangements in such spaces ensures that users have an outlook across towards external windows. I do not therefore consider that this open plan form, typical of larger office development is comparable to the smaller appeal scheme, which would have a limited outlook and result in a poor-quality working environment.
11. I therefore conclude that the proposal would not provide functional office space for future users with regard to outlook. As such, it would conflict with saved Policy BE5 of the UDP which seeks good design that meets the needs of users.

It would also be contrary to Paragraph 130 of the Framework which seeks development that functions well.

Other Matters

12. The appellant has referenced the fallback position of the sites previous storage use and has stated that the appeal development would have less effect on living conditions of neighbouring occupiers. Limited details of this storage use have been provided and there is little information to suggest that this use would take place should the appeal be dismissed. However, in any event, to my mind, a car storage use suggests that vehicles are simply kept on the site with limited movements to or from the site or other activities. This would not be as or more harmful than the appeal scheme, which would, based on the evidence before me, give rise to a variety of adverse impacts. I therefore attach limited weight to this consideration.

Conclusion

13. The proposal would not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
14. For the reasons given above, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR