



Appeal Decision

Site visit made on 19 October 2022

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st November 2022

Appeal Ref: APP/J4423/W/22/3296386

Charles Street (Nos 39-43) & Norfolk Street (Nos 186-194), Sheffield S1 2JH

- 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 Grantside (Norfolk Street) Ltd against the decision of Sheffield City Council.
 - The application Ref 21/02206/FUL, dated 7 May 2021, was refused by notice dated 20 January 2022.
 - The development proposed is demolition of existing buildings in a conservation area and the construction of a 10-storey Grade A office building (Class E) including basement with ground floor flexible retail and/or other Class E uses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development in the banner heading above is taken from the planning application form. Following amendments to the scheme during the planning application process, the description was amended to 'the demolition of existing buildings and erection of 7-storey office building (Use Class E) with ground floor commercial unit (flexible retail and/or other Use Class E), with associated cycle parking.' This is the description used by the appellant on the appeal form and the Council on the decision notice. As it more accurately defines the development proposed, I have determined the appeal on this basis.
3. Since the submission of the appeal, the Building Research Establishment (BRE) has issued a new edition of its guide, 'Site layout planning for daylight and sunlight' (BRE 209 2022). As the submitted GIA Daylight and Sunlight Report (GIA report) refers to the 2011 guidance, the main parties were given an opportunity to comment on whether the new guidance has any implications for the appeal. I have taken their responses into account in coming to my decision.
4. The Prudential Assurance Building is also referred to by the parties as Waterhouse. For the sake of clarity, I have referred to this building as the Prudential Assurance Building (PA Building) throughout my decision.

Main Issues

5. The main issues are;
 - i) The effect of the proposed development upon the living conditions of neighbouring occupiers at Berona House, St Paul's Chambers and the PA

Building with particular regard to levels of daylight and sunlight, and the effect on outlook; and

- ii) Whether the proposed development would preserve or enhance the character or appearance of the City Centre Conservation Area (CA), having particular regard to the effect on the significance of non-designated heritage assets (NDHA's) at Berona House and St Paul's Chambers and the effect on the setting of the Grade II listed PA Building.

Reasons

Living Conditions

6. Policy S10 of the Sheffield Unitary Development Plan 1998 (UDP) seeks to ensure that new development within shopping centre locations, does not create unacceptable living conditions for people living nearby. Paragraph 130 of the National Planning Policy Framework (the Framework) which aims to ensure a high standard of amenity for existing users. Whether or not the buildings within the perimeter block to which the appeal site belongs, were originally intended for other purposes, they are now residential flats above ground floor level. A number of these flats have windows that face into the internal courtyard of the block.
7. The GIA report is based on the methodologies set out within the BRE 2011 guidelines which have recently been amended. However, the substantive changes to the BRE guidelines relate to daylight and sunlight levels within new development, rather than the impact on neighbouring residential properties which is the main issue in this case. I can therefore rely on the submitted report to assess the impact of the proposal.
8. In relation to daylight, the GIA report includes calculations for vertical sky component (VSC), supplemented by no sky line (NSL) calculations. VSC gives an assessment of how much of the sky is unobstructed from an outward facing window. The BRE guidelines have a 27% VSC target based on a suburban environment. The diffuse daylighting may be affected if the VSC is less than 27% or less than 0.8 times its former value. However, the GIA report refers to the Greater London Authority Report 2013 (GLA report) which it advises that in an inner city urban environment, VSC values in excess of 20% should be considered as reasonably good, and that VSC in the mid-teens should be acceptable.

Berona House

9. The proposed building would be sited alongside the western boundary of Berona House, located in the south-western corner of the block. The eastern elevation of the existing buildings to be demolished is 'L' shaped with the 2 upper floors set back from the western boundary. The proposed development would fill this gap with a wider building extending to 7-storeys.
10. Due to the combination of its proximity, depth and height, the proposed building would appear overbearing and oppressive, when viewed from the northern facing habitable windows of the flats at the eastern side of Berona House. It would close the gap between the appeal building at 186 Norfolk Street and the outrigger belonging to the PA Building. Although relatively narrow, the gap contributes to a sense of space within the existing rear courtyard. Whilst softening the appearance from this aspect, the living wall would not address the proximity, mass or height. The outlook from those

windows would be adversely affected by the greater sense of enclosure, with the existing occupants feeling hemmed-in by the proposed development.

11. The GIA report indicates that 6 flats within Berona House would be affected by the proposed development, including 3 within the eastern-most section of the building. Whilst all of these flats have dual aspect rooms with windows also facing onto Charles Street, the courtyard windows would see VSC levels reduced to below good or acceptable levels. 3 other flats have main living spaces where the windows only face into the courtyard. All of these rooms would see reductions in the VSC to below that defined as acceptable, as well as reductions in NSL categorised as major. It is therefore clear that some windows already receiving limited daylight, would experience a reduction in natural daylight, making them gloomier in aspect, and creating poor quality living conditions as a result.
12. Due to the orientation of the proposed building and associated window positions, the impact on existing levels of sunlight would be small and therefore, the living conditions of the occupants would not be materially harmed in this regard.

Prudential Assurance Building

13. The neighbour distances drawing (number 0612 Rev D) indicates that the proposed development would reduce the distance to the flats in the northern-most section of the PA Building to circa 6.6metres. Existing flats within the PA Building already have a close intervisibility and restricted outlook, due to the 'u' shaped nature of the building including the rear outrigger. The gap between No 186 and the rear outrigger to the PA Building enables a more open feeling from the nearest windows in the south-eastern elevation, with views of the sky and rooftops beyond the appeal site. The proposed building would truncate such views and would have a significant imposing and enclosing effect, resulting in a dismal and claustrophobic outlook, particularly for the lower level flats.
14. In terms of daylight, the GIA report indicates that 16 of the 29 windows within the rear of the PA Building do not meet the VSC guidelines and 6 of the 11 rooms, do not meet the NSL guidelines, all of which are bedrooms that the BRE guidelines consider have a lesser requirement for daylight. 14 of the 16 windows have VSC levels that are already less than the mid-teens figure regarded as acceptable under the GLA guidance.
15. I saw that the front of this building faces onto the Peace Gardens and Pinstone Street, a busy pedestrian area with the ground floor occupied by commercial premises. Being at the back, the bedrooms are likely to be quieter and as such, occupants may utilise them for purposes other than sleeping for example, working from home or studying. The GIA report is clear that the light levels to these rooms would be reduced resulting in an increased reliance on the use of artificial lighting over and above the existing situation. I find that the use of the rooms as bedrooms does not justify the loss of daylight that would be harmful to the living conditions of the existing flat occupants.

St Paul's Chambers

16. The outlook afforded to the eastern and southern-most flats within the St Paul's Chambers block would be reduced by the enclosure of the existing gap between the appeal site and the outrigger of the PA Building. Although a service duct adjoins and projects forwards of the southern-most flat, the proposed building would nonetheless loom above, for the full depth of the

appeal site, so as to be domineering to the outlook of the existing occupants. The green wall would soften the impact, but would not reduce it.

17. Turning to daylight and sunlight levels, I saw that these flats benefit from dual aspect living/kitchen/dining spaces with windows facing out onto the street. The GIA report confirms that overall, the mean VSC guidelines would be met in terms of daylight for these rooms. Due to the height and proximity of the proposed building, the nearest bedroom window would lose all of its daylight on a working plain, failing to meet the NSL for daylight. However, overall, the daylight afforded to the flats within this building would not be significantly affected.
18. In terms of sunlight, 2 flats with living/kitchen/dining windows facing onto the courtyard would have their sunlight reduced from 45 hours to 6, and 29 hours to 5. Sunlight contributes to the brightness and useability of a room. This reduction would be significant, and I find that the living conditions of the existing occupants would be materially harmed as a result.
19. An outdoor landscaped courtyard that includes potted plants and areas of seating exists to the rear of the flats. This area, due to the presence of existing buildings, already receives restricted sunlight equivalent to 2 hours to 32.5% of its area, as measured on 21 March. The GIA report advises that post-development, no part of the courtyard would receive direct sunlight and therefore, it would fail to meet the BRE guidelines. Whilst a stairwell is present, it does not take up all of the area receiving direct sunlight. Notwithstanding the overshadowing assessment in the GIA Daylight and Sunlight Addendum Report, which shows that the courtyard would receive some sunlight between 12-2pm in the summertime, it cannot be assumed that this is the most likely time for the space to be used by residents. While I accept that the high quality space of the Peace Gardens is nearby and that the courtyard is overlooked from surrounding flats, it nevertheless provides a more accessible place for residents to relax, garden or eat outdoors, especially for shorter periods. The loss of sunlight would make the courtyard more gloomy and less pleasant to use by the residents for the majority of the year.

Conclusion – Living Conditions

20. I am mindful that the BRE guidelines are not mandatory, and that their interpretation may be treated flexibly, taking into account site specific factors. I have had regard to the location of the appeal site and its context within a high density city centre, where close relationships between buildings are common. Nonetheless, the proposed building would cover the full width of the appeal site for 7-storeys, in contrast to the circumstances now. Although it is reasonable to suggest that residents in city centre locations cannot expect the same levels of light as in lower density locations, that does not mean that new development can occur at any cost to their existing living conditions. It is clear that the proposal would materially worsen the existing poor levels of daylight for Berona House and the PA Building and, reduce levels of sunlight to St Paul's Chambers including the courtyard. These impacts together with the effect on outlook, would adversely affect the living conditions of existing occupiers. Whether or not this scheme has less impact on the daylight and sunlight afforded to surrounding flats than the original scheme, does not justify this particular development.
21. The Planning Practice Guide (PPG) advises that in areas of high-density historic buildings or city-centre locations, where tall buildings predominate, lower

daylight and sunlight levels at some windows may be unavoidable if new developments are to be in-keeping with the general form of their surroundings. In this case, building heights within the block are reasonably consistent at between 3-4 storeys, with the exception of the PA Building being marginally taller. Whilst other tall buildings are nearby, they are not within the same perimeter block. Therefore, there is no specific requirement for a tall building on the appeal site, in order to be compatible with its surroundings.

22. I find that the proposed development would be contrary to Policy S10 of the Sheffield Unitary Development Plan 1998 (UDP) which seeks good standards of amenity including daylight, sunlight and outlook. Conflict would also arise with paragraphs 119, 124 and 130 of the Framework which seek to safeguard and improve the environment and ensure safe and healthy living conditions, including securing a higher standard of amenity for existing users.

Character or Appearance of the City Centre Conservation Area

23. The appeal site lies within the boundary of the City Centre CA. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
24. The significance of the CA lies in its grand Victorian architecture that defined the commercial and industrial growth of the city during the 19th century. It has a high density of historic buildings, sited at the back edge of the pavement, typically between 3 and 4-storeys high, the resultant enclosure of the adjacent streets being a particular feature. The CA is further characterised by the generally consistent use of traditional materials including local sandstone and red brick.
25. The appeal site consists of mid-20th century buildings, variously constructed of grey brick, yellow stone and metal cladding between 3-4 storeys high. Although not of any particular historic or architectural interest, I saw that the scale of the existing buildings relates well to the composition of the perimeter block.
26. Both parties consider the adjacent buildings of Berona House and St Paul's Chambers to be NDHA's. There is no statutory listing process for NDHA's, nor any formal definition of them in the Framework. The PPG indicates that NDHA's are buildings, monuments, sites, places or areas identified by plan making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. Whilst I am unaware as to whether the Council has followed the advice in the PPG as identifying the buildings as such, the guidance is clear that in some cases, Council's may also identify NDHA's as part of the decision-making process on planning applications.
27. Based on the evidence before me and my own observations on site, I consider that both Berona House and St Paul's Chambers have significance as NDHA's, arising from their aesthetic and communal value, as typical late 19th century buildings located within a historical area of the city.
28. Whilst individual in their designs, these buildings share common characteristics that contribute to their significance. These include their age, consistent building height generally between 3-4 storeys, pitched roofs, windows that diminish in size with the height of the building and a consistent palette of materials. The buildings also step down to follow the gradient of the land, from the high point where the PA Building is located. The buildings have richly detailed elevations

with balanced vertical and horizontal proportions and solid to void ratios. As a result, the buildings within the block have a strong, unified character that contributes positively to the appearance of the CA.

29. At 7-storeys, the proposed development would be considerably taller and with a flat roof, than the majority of buildings within the block. The proposed double height ground floor would step up rather than down from the adjacent premises, and there would be a lack of visual cohesion between the proposed shop front and the remainder of the building above. The large expanses of glazed curtain walling to the principal elevations facing Charles Street and Norfolk Street would result in large, flat, plain and reflective sections that would contrast sharply with the adjacent detailed façade's, non more-so than the glazed bay abutting St Paul's Chambers. The large area of cantilevered curtain wall glazing on the proposed Charles Street elevation due to the low solid to void ratio, angled façade and lack of diminishing fenestration scale, would exacerbate the building's verticality, large scale and contrasting form.
30. Whilst the design seeks to address the corner location through the use of curved glazing, such curves are not typical features of the historic buildings within the block, nor the more modern developments at Howden House and 3 St Paul's Place opposite, all of which have sharply angled corners and more rectangular proportions. Furthermore, the introduction of anodised aluminium cladding and glazed curtain walling would be at odds with the relative uniform selection of red brick, stone and terracotta materials within the block.
31. Overall, the proposed design, scale and materials would combine to create a bulky, disjointed and conspicuous form of development that would fail to positively relate to the characteristics of the adjoining NDHA's, and would breach what is otherwise a broadly harmonious scale and form of development within the block. The development would appear obtrusive in views from within and outside the CA, particularly along Union Street and Charles Street but also Norfolk Street from close range views and in this regard, I disagree with the findings of the Wessex Archaeological Addendum Report (Wessex Report).
32. The appellant suggests that other schemes including the St Paul's Place, Heart of the City II, Midcity House and Sheffield Hallam University blocks set a precedent for tall, contemporary buildings close to the site. However, I have not been provided with any further detail of the circumstances under which such development has been supported or, whether the same local planning policies are applicable. Notwithstanding that tall, contemporary development may have been permitted elsewhere within the CA, and whether or not the proposal has excellent architectural merit, it does not justify permitting new development that fails to take account of the specific context of the appeal site, which in this instance, is a strongly cohesive block of historic buildings within the CA. Neither does it establish that intermediary sites should form a transition to taller buildings elsewhere, particularly given that Norfolk Street and Charles Street provide a physical and visual break between the appeal site and nearby buildings. Despite the presence of modern development within and around the CA, the impact of the proposal would still be negative.
33. The PA Building is Grade II listed and located at the opposing corner of the perimeter block to the appeal site. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon me to have special regard to the desirability of preserving the setting of a listed building, defined by the Framework as the surroundings in which it is experienced. Its

significance is derived from its historic and architectural interest associated with the 19th century growth of the city.

34. I saw that the PA Building is prominent within the streetscape, forming a landmark property at the junction of Pinstone Street and St Paul's Parade due to its height, architectural quality and interesting roofscape. In terms of setting, it is the frontage of the site which contributes to the significance of the listed building, including the high quality public realm of the Peace Gardens that it adjoins, as well as its relationship with the broadly contemporary buildings to either side.
35. There is no intervisibility or physical connection between the appeal site and the listed building and in this regard, I agree with the findings of the Wessex Report. Whilst the upper floor of the proposed building would extend above the roof of the PA Building, this would only really be discernible in medium distance views from Pinstone Street, close to the Town Hall. In such views, the proposed building would appear set back and against the backdrop of the existing modern and taller building at 3 St Paul's Place, such that it would not interrupt the silhouette of the listed building. The proposed development would not be viewed in the context of the listed building at close quarters within the streetscape of Pinstone Street. I conclude that the significance of the listed building would not be harmed and that its setting would be preserved.

Conclusion – Character or Appearance of the Conservation Area

36. Whilst I have found that the proposal would preserve the setting of the Grade II listed PA Building, it would harm the significance of NDHA's and would fail to preserve or enhance the character or appearance of the CA. The proposal would therefore be contrary to Policies BE5, BE15 and BE16 of the UDP and Policy CS74 of the Sheffield Development Framework; Core Strategy (2009) which seek amongst other things, to ensure that new development is well designed and complements the scale and form of surrounding buildings and spaces, including heritage assets. There would also be conflict with the statutory test and paragraph 197 of the Framework which indicates that development should sustain and enhance the significance of heritage assets and, make a positive contribution to local character and distinctiveness.
37. The impact of the proposal would be localised, given it would predominantly be seen in relatively close views from Charles Street, Union Street, Norfolk Street and Pinstone Street. In the words of the Framework, the harm to the CA would be less than substantial. Paragraph 202 of the Framework therefore directs me to weigh the identified harm against the public benefits of the proposal, a matter to which I now turn.

Heritage Balance

38. The scheme would deliver new retail and office accommodation in a city centre location accessible by a range of public transport options. The Knight Frank Supply and Demand report advises that there is a relatively low supply of office accommodation across all grades within the city centre, with a specific lack of grade A space, a need which the proposal would contribute to. Jobs would be created during the construction phase and the ongoing use, management and maintenance of the proposed building post-development. Future occupiers are also likely to contribute to the local economy through spending in local eateries and shops.

39. Furthermore, the proposed building would be carbon neutral arising from the use of low carbon and recycled materials and efficient design measures to reduce energy consumption. It would exceed the carbon targets set through the Building Regulations and aims to achieve BREEAM 'excellent' standard.
40. However, I am mindful that the public benefits do not appear to be inherently reliant on the proposal before me, and that an alternative scheme may be able to achieve similar benefits without causing the harm identified. Moreover, there is no substantive evidence before me that a smaller or alternative proposal would be unviable. As such, I attach limited weight to the public benefits of the scheme.
41. The proposal would cause material harm to the significance of Berona House and St Paul's Chambers as NDHA's and, it would fail to preserve or enhance the character or appearance of the CA. Considerable importance and weight attaches to the harm that would be caused to designated heritage assets. Taking all of these matters into account, I conclude that the heritage harm that I have identified would outweigh the public benefits in support of the scheme.

Other Matters

42. The appellant asserts that the proposal would result in businesses vacating premises in the suburbs that could be converted to contribute towards housing supply. Notwithstanding that the Council cannot currently demonstrate a 5 year housing land supply, the proposal is for commercial development rather than housing. There is no definitive evidence before me, nor a mechanism to deliver the suggested housing benefits, such that I could attribute weight to this matter.
43. Whilst I appreciate that the appellant sought the advice of the Council at an early stage and that the Planning Officer recommended approval of the proposal, the PPG is clear that pre-application advice cannot pre-empt the democratic decision making process, or a particular outcome in respect of a formal planning application.

Planning Balance and Conclusion

44. The proposed development would not harm the setting of the Grade II listed PA Building. However, it would fail to preserve or enhance the character or appearance of the CA, fail to complement the scale, form and architectural style of surrounding NDHA's and would be harmful to the living conditions of existing neighbouring occupiers with regard to daylight, sunlight and outlook.
45. Considerable importance and weight attaches to the harm that would be caused to designated heritage assets. The social, economic and environmental benefits of the scheme amount to the creation of a carbon neutral building, the provision of grade A office space and the creation of jobs in an accessible location, to which I have attributed limited weight. Given the great weight to be given to the CA harm, I have concluded that this would outweigh the public benefits of the proposal.
46. For the above reasons, having regard to the development plan read as a whole, the approach in the Framework and all other matters raised, the appeal is dismissed.

M Clowes

INSPECTOR