



Appeal Decision

Site visit made on 31 January 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2023

Appeal Ref: APP/J4423/W/22/3308625

214 Barnsley Road, Sheffield S4 7AF

- 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 Luqman Khan against the decision of Sheffield City Council.
 - The application Ref 22/01402/FUL, dated 7 April 2022, was refused by notice dated 24 August 2022.
 - The development proposed is 2No. maisonette flats to land adjacent to 214 Barnsley Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of residents of 212 Barnsley Road with regard to outlook and light.

Reasons

Character and Appearance

3. The appeal site forms part of the reasonably large plot of a detached dwelling located within a mainly residential area. This dwelling, together with the properties in the immediate vicinity at nos. 212, 210 and 208/206, form an attractive group of buildings along this part of Barnsley Road. While dwelling types and amenity arrangements in the wider area are mixed, this group of properties displays a regular and consistent pattern of development which gives a pleasing rhythm to the streetscape. The gaps in between the dwellings and their boundaries contribute positively to a sense of spaciousness in the street scene and adds to these properties' particular presence within the streetscape.
4. The proposal would replace the existing single storey brick outbuilding situated between nos. 214 and 212 with a building containing two flats. The scale and height of the building, its overall design and architectural features proposed would be in general keeping with the host property and those in the immediate vicinity. However, the proposed building would all but fill the gap between nos. 214 and 212. As a result, it would appear crowded, eroding the spaciousness of the street scene in this location and disrupting the visual rhythm provided by

the group of properties. The proposal would therefore result in an incongruous development.

5. My attention has been drawn to other properties in the vicinity which the appellant identifies as having similar gaps to that which would result with the proposal. However, these are separated from the site by the junctions of Firshill Road and Scott Road and sit at a noticeably lower level due to the sloping nature of Barnsley Road. These properties therefore appear distinct from the site and do not influence the immediate characteristics of the area in which it sits, so would not result in the proposal appearing compatible.
6. The property is enclosed by a relatively high brick wall along its boundary with Barnsley Road to the front and Firshill Road to the side and rear. To facilitate the provision of parking spaces, the wall would have to be partially removed at the rear. The wall is a noticeable feature within the street scene of both roads. However, it is not characteristic of the boundary treatments on Firshill Road, which are predominantly low brick walls with black railings above. Its partial removal would not therefore harm the character and appearance of the area to such an extent that it would make the development unacceptable.
7. Nevertheless, for the reasons stated above, I conclude that the proposal would significantly harm the character and appearance of the area. It would therefore conflict with the requirements of Policies H14 and BE5 of the Sheffield Unitary Development Plan, adopted 1998 (the UDP) and Policy CS74 of the Sheffield Development Framework Core Strategy, adopted 2009. These policies seek to ensure that developments take advantage of and enhance distinctive features of the city and that regard is had to local character. There would also be conflict with the design objectives of paragraphs 126 and 130 of the National Planning Policy Framework (the Framework).

Living Conditions

8. There are windows in the side elevation of 212 Barnsley Road that would face the gable elevation of the proposed development with a separation distance of around two metres. While noting that these windows may not be original to the property, the submitted evidence states that they have been in place for some time. Although there are no details of the internal layout of this neighbouring property, the evidence indicates that the two lower ground floor windows serve a kitchen and those at first floor and in the roof space serve bedrooms.
9. The two windows at lower ground floor level already have quite an enclosed outlook due to their proximity to the outbuilding at no. 214 and the retaining wall feature of no. 212. This positioning together with their orientation mean that light to these windows would likely be relatively limited. However, the proposed building would be taller than the retaining wall feature and outbuilding and so would make the room gloomier and increase the sense of enclosure.
10. Given the height and lack of separation distance, the proposal would create a dominant feature that would have an overbearing effect on the outlook from the first floor and roof space windows in the side elevation of no. 212. For similar reasons, it would reduce the amount of light reaching these two windows particularly in the early part of the day.

11. I therefore conclude that the proposal would significantly harm the living conditions of residents of 212 Barnsley Road with regard to outlook and light. Consequently, it would conflict with the residential amenity requirements of Policies H5 and H14 of the UDP and paragraph 130 of the Framework.

Other Matters

12. As the Council's evidence states that a five year supply of deliverable housing sites cannot be demonstrated, footnote 8 of the Framework means that the 'presumption in favour of sustainable development' at paragraph 11d) of the Framework is engaged. As such, the most important policies should be deemed out of date and planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
13. I have not identified any relevant Framework policies protecting areas or assets of particular importance that would provide a clear reason for refusing the proposed development.
14. The appeal scheme would cause harm to the character and appearance of the area and to the living conditions of residents of 212 Barnsley Road. This harm would be significant and long lasting. I therefore attach substantial weight to it, having regard to paragraphs 126 and 130 of the Framework. The Framework also emphasises the importance of delivery of housing. The proposal would contribute two dwellings to the supply of housing in a location that is close to services and facilities. I give this moderate weight. There would also be social and economic benefits such as construction employment and additional residents supporting local shops, businesses and community facilities. However, the weight that I can ascribe these benefits in terms of two new homes is inevitably limited.
15. The Framework supports development that makes efficient use of land and requires decisions to give substantial weight to the value of using suitable brownfield land within settlements. However, this needs to take into account the desirability of maintaining an area's prevailing character and setting and brownfield sites should be suitable. This would not be the case with the proposal, were I to consider the site as brownfield land, given the harm I have found to the character and appearance of the area and the living conditions of nearby residents.
16. With the above in mind, the adverse impacts of granting a planning permission for the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. Therefore, it would not represent sustainable development for which the presumption in favour applies.

Conclusion

17. The proposal would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations, including the approach of the Framework regarding housing supply, that indicate the

decision should be made other than in accordance with it. I therefore conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR