



Appeal Decision

Site visit made on 21 March 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

Appeal Ref: APP/J4423/W/22/3310490
53 Carter Knowle Road, Sheffield S7 2DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Miss Alexandra Robertson against the decision of Sheffield City Council.
 - The application Ref 22/02927/FUL, dated 5 August 2022, was refused by notice dated 28 October 2022.
 - The development proposed is described as: 'Change of use from "annexe ... incidental to the enjoyment of the main dwelling area no. 53 Carter Knowle Road" to independent dwelling for open market letting. (Please refer to planning approval ref: 20/03749/FUL)'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Miss Alexandra Robertson against Sheffield City Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the development comprising the formation of an annex, including associated works, as approved under planning permission Ref 20/03749/FUL, has been carried out so as to enable the proposed change of use to take place.

Reasons

4. The appeal site relates to an outbuilding serving No. 53 Carter Knowle Road. Planning permission was granted under reference 20/03749/FUL on 10 December 2020 for '*alterations including erection of single-storey side extension to outbuilding to form residential annex*'. At the time of my site visit, the works as described above were largely complete and the proposed development would result in the use of the annex as an independent dwellinghouse.
5. Although works are largely complete, they follow demolition works, not comprising part of the development relating to planning permission 20/03749/FUL. The proposed Site Layout/Location Plan submitted under Drawing No. 01 Revision A specifically notes that the building was demolished during the construction phase (on advice of structural engineer) and completely

rebuilt using cavity wall construction. Moreover, it is made clear within the appellant's statement of case that at an early stage the contractor, together with the project structural engineer, deemed the existing structure unsafe for conversion and as a matter of expediency and safety removed the majority of the existing external walls and rebuilt them and the approved extension in cavity wall construction.

6. I note the appellant's assertions that the vast majority of the external cavity walls constructed was the new build extension as consented and only a small section (approximately 26% of the overall constructed building) was constructed "without permission". I also note comments that the previous application allowed for the removal of the entire northeast elevation in order to accommodate the extension and that the party wall between the 2 semi-detached coach houses remained standing in its entirety throughout the building works.
7. Even considering the above, it is undisputed that the description of development for planning permission 20/03749/FUL relates to that referred to above. I am satisfied based on the evidence before me and my own observations onsite that the works carried out go over and above that previously permitted by the Council. The lack of conditions relating to matching external materials would be a neutral factor in this case as it would not change the position in relation to the level of rebuilding work.
8. The appellant contends that had the poor condition of the walls been noticed before the renovation and extension, they could have been rebuilt as a necessary repair without the need to seek planning permission. However, it is undisputed that this is not what has been done and I must determine the appeal based on the current context of the site.
9. I am aware that there are concerns regarding the handling of the planning application which has caused a level of frustration and I acknowledge comments made regarding financial and emotional matters. However, despite the previous discussions with the Council regarding the demolition, I must determine the appeal based on its merits and the evidence before me. Consequently, the evidence before me confirms that the building has been substantially rebuilt and there is no evidence that planning permission or prior approval exists for the works that have taken place onsite even taking into account the previous permission.
10. For the above reasons, I conclude on the main issue that the development comprising the formation of an annex, including associated works, as approved under planning permission Ref 20/03749/FUL, has not been carried out so as to enable the proposed change of use to take place. As the existing structure, from which change of use is sought, does not in the first instance have planning permission then the proposed development as set out in the description of development cannot be considered further.

Other Matters

11. The appellant sets out that the Council were unaware that the host dwelling had been split into 2 separate flats and it is unclear which of the properties would be viewed as the property which the annex was to be attached. The Council have responded on this matter which is disputed. However, such

matters have not affected my findings on the main issue nor has the shortage of rental properties in this part of the city.

Conclusion

12. For the above reasons, I conclude that the appeal should be dismissed.

N Teasdale

INSPECTOR