
Appeal Decision

Site visit made on 10 July 2023

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2023

Appeal Ref: APP/J4423/W/23/3315673

Site of Former Eon Works, 67 Earl Street, Sheffield S1 4PY

- 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 Noble Design + Build against the decision of Sheffield City Council.
 - The application Ref: 21/04888/FUL, dated 15 November 2021, was refused by notice dated 11 January 2023.
 - The development proposed is the erection of a 3 storey extension to create 6no 2bed and 18no 1 bed apartments.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposal would preserve or enhance the character or appearance of the Cultural Industries Quarter Conservation Area; and (ii) if there is harm, whether this is outweighed by the public benefits of the proposal.

Reasons

Conservation Area

3. The appeal site comprises a recently built mainly residential development of apartments known as the Lightbox. It reaches a height of 5 storeys. There is also some commercial space at ground floor level. The building has a linear form and is located between Eyre Lane, Earl Street and Hallam Lane. The predominant external material used on the building is red brick. There are also areas of glazing, some use of metal cladding and there is a decorative multi coloured band on the short Earl Street elevation, where the main and vehicular entrances are also found. The site formerly contained the Eon Works building.
4. The site lies within the Cultural Industries Quarter Conservation Area. As is set out in the Conservation Area Appraisal and Guidelines (CAAG), the area played a key role in Sheffield's development as an industrial city, providing the setting for small scale businesses associated with the 19th century steel, cutlery and tool making trades. Its significance is derived from small industrial buildings associated with these uses that are set out on small plots around a fine grained grid layout of narrow lanes and wider roads. The predominant exterior building material is red brick.

5. The character area that the site lies in under the CAAG is the Peripheral Area. It represents a more outward facing aspect of the conservation area, particularly along nearby Eyre Street, as I observed during my site visit. Nevertheless, the site is set back from Eyre Street and these less assuming environs still contribute favourably to the significance. There are a number of modest smaller buildings in proximity to the site, a number of which have their origins in the traditional trades of the city, or are modern versions. This also reflects the proximity of the site to the Arundel Street Character Area. The grid layout also remains intact and how the hierarchy of buildings largely reflects this layout is a noticeable quality. In particular, taller buildings are found around and in proximity to the main routes of Eyre Street, Furnival Square, Matilda Street and St. Marys Road.
6. The existing building on the site can be said to reflect the significance in that it largely reflects this hierarchy. Neither Eyre Lane, Earl Street or Hallam Lane are main routes and the relative height of the building fits fairly comfortably into these unobtrusive surroundings. It is of similar height to the rear of the fire station building, on the opposite side of Earl Street. It also contributes to the significance by its predominant use of red brick.
7. The proposal would result in the part of the building that lies on the Earl Street, Eyre Lane and Hallam Lane corner rising to a height of 8 storeys. Such a height would be inappropriate in these surroundings because of the difference in the scale and massing of the building with those more modest buildings that are found in its vicinity. It would also be higher than the rear of the nearby fire station. In relation to the current building, the increase in height would be marked and unsubtle.
8. The effect would be to lessen the scale hierarchy as it relates to the grid layout. It would not be commensurate with its location adjacent to narrow lanes and the street. In effect, it would overshadow these routes, which the CAAG cautions against through its guidelines. The Heritage Statement that was submitted with the planning application acknowledges there would be some overshadowing and that it is possible that it would appear more abrupt and out of scale than in more tightly developed areas of the conservation area.
9. If the appeal site itself was on a key route, node, gateway and vista, there would be more justification for the proposed height, massing and scale. However, this is not such a location. It is set back from Eyre Street and well away from Matilda Street. In this context, it would be a tall building under Policy CS76 of the Council's Sheffield Development Framework Core Strategy (2009) (Core Strategy) because it would be substantially higher, in particular in relation to the small scale industrial buildings, but also the rear of the fire station. With the 3 frontages of the proposal, it would clearly be visible and be jarringly visually different to the existing building because there would be the abrupt change in the number of storeys.
10. The other examples of tall buildings that the appellant cites relate to more major thoroughfares. 'The Gate' and an adjoining hotel are found on Furnival Square, with 'Hannah's Court' and 'Gatecrasher' having their principal elevations facing Matilda Street. 'Platform' relates more to the St Mary's Road and the nearby major roundabout, whereas the Moor Car Park, the front of Fire Station and an adjacent development site all closely relate to Eyre Street. This sets these developments apart from the more secondary and humbler location

of the appeal site, even those which are also in the Peripheral area. Nor would the proposal itself be closely related to Eyre Street because it would be set back from it and not have a frontage onto this road.

11. The circumstances that led to the approval of the Lightbox on the former Eon Works site have a limited bearing. The proposal before me is not for the redevelopment of the site but to add a further 3 storeys on one end of the building. I also note comments over the addition of a single storey, but it is the pronounced 3 storey addition as proposed that is the subject of the appeal and so therefore my views on this issue.
12. The proposed materials would also be out of keeping by way of the masonry character and this would exacerbate the difference between the proposal and its surroundings. The palate of materials on the building would change to one where metal cladding would become more dominant, not the red brickwork. It would not therefore reflect the composition of the existing building, where metal cladding is used more sparingly. Even if the proposed cladding would be recessive in its detailing, it would be so elevated that it would be a dominant part of the building. This would further detract from the significance of the conservation area.
13. I have considered the totality of the evidence before me, including the appellant's Visual Impact Assessment, as well as the Heritage Statement, amongst other documentation. I also acknowledge that the Heritage Statement considers that the design and materials would be sympathetic and that it would have a positive benefit as a whole. Nevertheless, I disagree because of the effects that would arise in relation to scale, massing, height, materials and detailing, and the related harmful visual impact.
14. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is of considerable weight and importance. Having regard to the above, I conclude that the proposal would not preserve or enhance the character or appearance of the conservation area.
15. For similar reasons, the proposal would not comply with Policies CS74 and CS76 of the Core Strategy and with Saved Policy BE5 of the Sheffield Unitary Development Plan (1998) (UDP) where they concern high quality development, including townscape and the distinctive heritage of the city, attractive neighbourhoods, tall buildings, good design and use of good quality materials, amongst other considerations.
16. It would also not comply with Saved Policies BE15, BE16 and BE17 of the UDP with regard to conservation areas, including that development which would harm the character or appearance will not be permitted, development would be judged acceptable where it would preserve or enhance the character or appearance, and a high standard of design using traditional materials and a sensitive approach to layout of buildings and roads, including for extensions to existing buildings.
17. I also find the proposal would not accord with paragraphs 130 and 134 of the National Planning Policy Framework (Framework) where they concern achieving well designed places and with paragraph 199 where it sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to

substantial harm, total loss or less than substantial harm to its significance. For the purposes of paragraph 202 of the Framework, less than substantial harm would arise to the significance of a designated heritage asset.

Public Benefits

18. The proposal would make a contribution to the housing stock in accordance with Central Government's objectives of significantly boosting the supply of housing, use of brownfield land and densification. I have been made aware that the Council cannot demonstrate a 5 year housing land supply of deliverable sites in accordance with the Framework. The appellant has set out that the shortfall is very significant and this has not been disputed. The proposal would contribute towards lessening the shortfall through an additional 24 units. This is regardless of the contribution of the units in the existing building and what contributions may be made elsewhere through an emerging development plan, notwithstanding that it attracts limited weight due to its stage of preparation. The contribution to housing land supply and delivery attracts significant weight as a public benefit.
19. More modest public benefits would arise by way of employment during construction and through the spend of the additional residents in supporting local services. The proposal would also be in a highly accessible location in relation to local services, being located in the city centre.
20. I note the main parties differing views on housing mix and the application of the Nationally Described Space Standards to the proposal. In any event, it is not in dispute that the proposal would be policy compliant in these respects. They are neutral matters as public benefits. The same applies with regard to where the proposal would not cause harmful effects by way of other planning considerations which are not in dispute and are policy compliant.

Heritage Balancing Exercise

21. Paragraph 202 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I have been referred in the submissions to degrees of harm under the less than substantial harm ambit. The harmful effects in this case are fairly broad, for the reasons that I have set out above, and so it would be beyond the 'low end', as has been suggested. Nevertheless, this does not take my deliberations substantially further as special attention must in any event be given to the desirability of preserving or enhancing the character or appearance of the conservation area.
22. The less than substantial harm arises to the significance of a designated heritage asset, the Cultural Industries Quarter Conservation Area. This concerns the effects caused by the scale, massing, height, materials and detailing of the proposal. Such effects would roundly conflict with the heritage asset's conservation and the effect on its significance would be marked. This must weigh considerably against the proposal because of the statutory duty and the protection afforded by the Framework. The public benefits concern the proposal's worthy contribution to housing land supply and delivery, and to a lesser degree, economic and accessibility considerations.

23. In taking these considerations together, I conclude that the less than substantial harm to the designated heritage asset would not be outweighed by the public benefits of the proposal. It would not therefore comply with paragraph 202 of the Framework.

Other Matters

24. The development plan policies where I have found conflict are broadly consistent with the Framework, apart from Saved Policies BE15 and BE16 of the UDP. These policies, whilst affording protection to conservation areas from harmful development, do not provide for public benefits to be considered against such a harm. This limits the weight that can be attributed to the conflict with these policies. Nevertheless, this does not ultimately change my conclusion because I have also found conflict with the Framework in this regard. This relates to paragraph 202 as the public benefits would not outweigh the less than substantial harm and paragraph 199 in relation to considering the impact on the asset's conservation.
25. As the Council cannot demonstrate a 5 year housing land supply, under paragraph 11 d) of the Framework, the policies which are most important for determining the application are out-of-date. In the context of this paragraph, this means granting permission 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. Footnote 7 sets out these policies, which include designated heritage assets. The application of such policies related to designated heritage assets, namely the conservation area, provides a clear reason for refusing the development proposed. Hence, the proposal would not accord with the Framework's presumption in favour of sustainable development.
26. The appellant has also referred me to an appeal decision¹ in Hawkhurst, Kent. In that case, the Inspector considered the scheme complied with the development plan and that the impact on heritage assets did not provide clear reasons for refusing that proposal. These are not conclusions that I have reached and so I am satisfied that the site circumstances are sufficiently different so as not to alter my conclusion. I do not dispute that the contribution towards housing land supply and delivery should attract significant weight, as I have said earlier in my decision, but this with the other benefits does not outweigh the harm that would arise as regards the designated heritage asset.

Conclusion

27. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm caused by the proposal. For these reasons, I conclude that the proposal conflicts with the development plan when taken as a whole and there are no material considerations to outweigh this conflict. Therefore, the appeal should be dismissed.

Darren Hendley

INSPECTOR

¹ Appeal Ref: APP/M2270/W/21/3282908 Land to the East of Highgate Hill and South of Copthall Avenue, Hawkhurst, Kent, TR18 4LR