



Appeal Decision

Site visit made on 28 March 2023

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2023

Appeal Ref: APP/J4423/W/22/3309295

2 Osmaston Road, Sheffield S8 0GT

- 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 Matthew Jefferies against the decision of Sheffield City Council.
 - The application Ref 21/03397/FUL, dated 26 July 2021, was refused by notice dated 16 June 2022.
 - The development proposed is described as: two new residential dwellings on land adjacent to existing No. 2 Osmaston Road and alterations to existing parking provisions and amenity space to Nos 4 and 2 to meet parking standards.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to internal space standards and private outdoor amenity space,
 - the effect of the proposal on the living conditions of occupiers of existing neighbouring properties, with particular regard to the resultant private outdoor space provided for, and outlook from, number 2 Osmaston Road,
 - whether the proposal would result in an unacceptable impact on highway safety,
 - whether the proposal would create an unacceptable flood risk, and
 - the effect of the proposal on the character and appearance of the area, including the extent of proposed development on the site.

Reasons

The site & surroundings

3. The site is located on the northern side of the Osmaston Road cul de sac. It comprises of part of the private outdoor amenity space of number 2 Osmaston Road, a designated off-street parking area associated with number 2 and a strip of land outside the garden and parking area which is formed and used as pavement. The proposal includes creating 2 No. parking spaces at the front of numbers 2 and 4, within an area that also forms part of the pavement. This area of land is outside the site edged red, but in land within the ownership of the appellants.

4. The dwellings on Osmaston Road vary in type, size, height, and design detail. However, all are 2-storeys high, constructed of red brick under tiled roofs. There are 3 No. detached dwellings on the northern side of the road and 2 No. pairs of semi-detached dwellings on its southern side. The entrance to the street from Linburn Road is formed either side with the gabled ends of terraced properties on Linburn Road.
5. There is a Medical Centre and associated car parking area located off the southern side of Osmaston Road which is 3-storeys high with cream rendered and grey brick elevations, and a grey zinc/zinc-like roof covering.

Living conditions – future and existing occupiers

6. Notwithstanding the comments in the Council Officer's Report, (OR), the plans indicate that the proposed dwelling 1A would have 2 double bedrooms and proposed dwelling 1B would have 3 bedrooms in total, 2 of which would be double and the other a single.
7. The OR refers to guidance on internal space standards in the South Yorkshire Residential Design Guide, (SYRDG). The OR notes that the SYRDG has not been adopted by the Council. I have not been provided with a copy of this document. I note that the appellant has not challenged the figures referred to in the OR. Bearing these factors in mind I do not attach full weight to the document, but I have borne the figures in mind in reaching my Decision.
8. It is stated that the guidance advises that double bedrooms should be at least 12 sqm and single bedrooms a minimum of 7 sqm. The 2 No. double bedrooms in dwelling 1A would be 8.5 sqm and 7 sqm respectively. Both rooms therefore would be well below the recommended area for double bedrooms. One of the double bedrooms in dwelling 1B would be 14.7 sqm, and therefore it would accord with the guidance. The other double bedroom in 1B would be 7 sqm and the single bedroom would be 5 sqm. Hence, the second double bedroom and the single bedrooms would be below the recommended areas.
9. Although not referred to by the Council, I am familiar with nationally recommended internal space standards for dwellings¹, which recommend a minimum area of 11.5 sqm for double bedrooms and 7.5 sqm for single bedrooms. Hence, the figures are not dissimilar to those referred to in the SYRDG. I also note that the space in bedrooms 1 and 2 in dwelling 1B would be restricted due to the chamfered side elevation and low eaves height at the rear.
10. The proposal would significantly reduce the size of the private outdoor amenity space of number 2 to facilitate the proposal. The OR refers to the Designing House Extensions Supplementary Planning Guidance document, (SPG), to provide some indication of what might be deemed to be suitable garden sizes, as well as guidance in the SYRDG. Again, the appellant has not challenged the figures referred to. The SPG is an adopted document. Although no date is provided on the document it does appear to be dated. Bearing these factors in mind, I have borne the figures in mind in reaching my Decision.
11. The SPG advises that in most cases the Council considers a garden size of 50 sqm to be the minimum for a 2-bedroom house, with a minimum of 10 m

¹ Technical Housing Standards – Nationally Described Space Standards, Dept for Communities and Local Government, 2015

from the rear elevation to rear boundary also normally being required. The SYRDG recommends an area of 60 sqm as the minimum.

12. The resultant garden area of number 2 would be around 34 sqm; the area of garden proposed for dwelling 1A would be around 14 sqm, and the area of garden proposed for dwelling 1B would be around 27 sqm. Neither of the properties would have 10 m from their rear elevations to rear boundaries. Hence, the proposed private garden areas would fall well below the standards referred to in the guidance.
13. The irregular, zig zag line of the boundary around the properties would result in a point of the rear boundary being very close, around 1 m, to the rear elevation of dwelling 1A. This would result in the outlook from 1A being very poor at the rear. The very limited amount of space and the irregular shape would also severely restrict the usefulness of the space. The diagonal boundary at dwelling 1B would result in there being very limited private outdoor space, as much of the garden area would be overlooked from bedrooms at 1A at a relatively close distance.
14. I conclude that, due to most of the proposed bedrooms being of an unsatisfactory size, along with the very limited extent, and irregular shapes, of the proposed private outdoor spaces for dwellings 1A and 1B, the proposal would not provide internal space or private outdoor space of a satisfactory level or quality for future occupiers. The resultant limited private outdoor space for number 2 would also not be satisfactory.
15. The appellant has drawn my attention to a development of 16 No., 3-bedroom houses at Coniston Road, Ref 14/03493/FUL, suggesting that all the dwellings have limited garden sizes, but the Council still approved the development. I have not been provided with full details of the case, and therefore cannot be certain of the extent to which it compares with the scheme before me. However, from the limited information that has been provided there are clear differences. First, the site is in a different area. Second, the scheme was for 16 No. units, not 2 No. Third, the plan indicates that the rear boundaries of the rear gardens are not as irregularly shaped as they are in the scheme before me. I therefore conclude that the 2 No. schemes are not directly comparable. Consequently, the development referred to does not provide support for the appeal scheme.
16. The proposal would include siting the waste storage area for dwelling 1A outside a front window of number 2 which serves a living room. I consider this would impact negatively on the outlook from the existing dwelling number 2.
17. For the reasons outlined above, I conclude that the proposal would not provide satisfactory living conditions for future occupiers of the proposed dwellings. The proposal would also have a detrimental impact on the living conditions of occupiers of the existing dwelling number 2 Osmaston Road. Consequently, the proposal does not accord with Policies H14 of the Sheffield Unitary Development Plan, 1998, (UDP), CS74 of the Sheffield Development Framework Core Strategy, 2009, (CS), or sub paragraph 130 f) of the National Planning Policy Framework, (the Framework). These policies collectively, and among other things, require new development to provide high quality living conditions for, and promote the health and well-being of, future occupiers and retain high quality living conditions for, and promote the health and well-being of, occupiers of existing properties.

Highway safety

18. Osmaston Road is accessed by vehicles off Linburn Road, and pedestrians can access from both Linburn Road and Chesterfield Road. The road is an unadopted public highway, of modest width with pavements and sections of grass verges either side of the street.
19. At the time of my visit there were 9 cars parked on the street, several of which were parked on the pavements, and 2 cars were parked at the head of the cul de sac, which is just beyond the access points to the off-street parking area for number 2, and the access to the Medical Centre car park.
20. It is clear from observations made during my visit to the site, photographs within the appellant's statement, and representations received, that the existing situation already results in high demand for on-street parking on the street. Additionally, the modest width of the street, with cars parked either side of it, make it difficult for vehicles to turn around on the street to exit onto Linburn Road in a forward gear.
21. The proposal would extend the width, and reduce the depth, of the existing off-street parking area associated with number 2 to create an area for 3 No. cars, rather than 2 No., which would be the off-street parking for the 2 No. new dwellings. This would prevent cars from being parked on-street at the head of the cul-de-sac, as currently occurs, and it would remove a section of existing pavement.
22. Two car parking spaces would be created within the pavement area outside numbers 2 and 4, to serve number 2. A gap would be retained between the 2 No. spaces to allow cars to access the existing off-street parking at number 4, which consists of tandem parking - one car in a garage and one behind it on the drive. Creating these 2 No. spaces would not leave a suitable pavement for pedestrians to be able to walk past numbers 4 and 2 without having to walk in the road.
23. In summary, I consider the proposed development would a) displace existing on-street parking that occurs at the head of the cul-de-sac, and outside numbers 4 and 2, to another part of the street; b) would severely restrict the manoeuvrability of cars, and delivery vans, from entering/exiting existing off-street parking at numbers 4 and 6 and the Medical Centre; c) would severely restrict the manoeuvrability of cars, and delivery vans, from being able to turn around on the street to exit it in a forward gear, and d) would force pedestrians into having to walk in the road when walking on the northern side of the street, including pedestrians pushing prams and pushchairs and those with restricted mobility.
24. For the reasons outlined, I conclude that the proposed development would likely create unacceptable highway safety issues for drivers and pedestrians. Consequently, the proposal does not accord with Policy H14 of the UDP, guidance in the SPG, or paragraphs 110 b) and 111 of the Framework. Collectively, and among other things, these policies and guidance require new development to provide safe and suitable accesses to the site and the highway network with appropriate off-street parking, and only refuse development on highway grounds if it would have, among other things, an unacceptable impact on highway safety.

Flood risk

25. Policy CS67 of the CS seeks to reduce the extent and impact of flooding by various means, including not culverting and not building over watercourses wherever practicable.
26. A culverted watercourse of the Graves Park Beck runs beneath the south-eastern edge of the site. The proposed new cess tank would be sited underneath the proposed car parking area for the 2 No. new dwellings, evidently close to the culvert. However, no detailed information has been provided to clearly show the exact line of the culvert or to demonstrate what effect the proposal would have on it. Consequently, I consider that insufficient information has been provided to enable me to conclude that the proposal would not increase the risk of flooding in the area. As such, it has not been demonstrated that the proposal accords with Policy CS67 of the CS.

Character and appearance

27. The Council has raised concerns regarding the siting of the proposed dwellings, due to them being set forward of the building line of number 2. Although a few of the properties on each side of the road are sited with the same building line, overall, there is no firm consistent building line along either side of the street. The Council conclude that siting the dwellings as proposed would disrupt the potential for a terrace of dwellings to be created with a consistent visual rhythm. However, I must assess the scheme that is before me. The Council also conclude that the siting of the dwellings as proposed would dominate number 2 Osmaston Road. I disagree with this conclusion. I consider that the extent to which the proposed building would extend beyond the front elevation of number 2 would not dominate the property.
28. However, due to the scale and layout of the development proposed, as I have found above, it would not provide satisfactory levels or quality of private outdoor space for future occupiers or retain a satisfactory level of private outdoor space, or outlook, for existing occupiers of number 2. The proposed car parking arrangements would have an unacceptable impact on highway safety; and it has not been demonstrated that the proposal would not increase the risk of flooding.
29. Consequently, I consider the scale and layout of the proposed development and the negative impacts that would ensue, illustrate that the proposal is too extensive for the size of the site. As such, I conclude that the proposal would have a detrimental impact on the street scene and the character and appearance of the area. It does not, therefore, accord with Policies BE5 and H14 of the UDP, CS74 of the CS or sub paragraphs 130 a) and c) of the Framework. These policies require new development to be of good design, to respect the distinctive features of the area, be sympathetic to local character, and to function well and add to the quality of the area.

Other Considerations & Planning Balance

30. The Council acknowledges that it can only demonstrate around a 4-year supply of housing land. Consequently, the policies that are most important for determining the appeal are deemed to be out of date and the so-called 'tilted balance', *vis-à-vis* paragraph 11 d) of the Framework, is engaged. This advises that in such circumstances planning permission shall be granted, unless one of

two situations prevail. Of relevance to this case is the second aspect, ie unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (of the proposal), when assessed against the policies in the Framework as a whole.

31. The proposal would provide 2 No. additional dwellings. This would support the Government's objective of significantly boosting the supply of homes and contribute towards meeting the housing needs of the area. Given that the Council has a shortfall of around one year, although the proposed development is only for 2 No. dwellings, I attach moderate weight to this matter.
32. The site is a small, brownfield, windfall site. The Framework supports the development of such sites for housing, as they can make an important contribution to meeting the housing requirements of the area. I therefore attach moderate weight to this aspect.
33. The proposal would provide some economic benefits, during the construction phase and post construction. Broadly by providing job opportunities, future occupiers contributing to the local economy and additional Council tax being generated. However, due to the small-scale nature of the proposal, I attach limited weight to this matter.
34. I have found that the proposal would cause significant harms due to not providing satisfactory living conditions for future occupiers, not retaining satisfactory living conditions for existing occupiers, having an unacceptable impact on highway safety, not demonstrating that the proposal would not increase the risk of flooding, and having a detrimental impact on the character and appearance of the area. Consequently, the proposal does not accord with the development plan, as a whole.
35. On balance, I find that the adverse impacts that would stem from allowing the proposal would significantly and demonstrably outweigh the benefits outlined, when assessed against the policies in the Framework as a whole. I therefore conclude that the other considerations outlined, including the Framework, do not outweigh the harms I have found.

Conclusion

36. For the reasons outlined, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR