The Planning Inspectorate

Appeal Decision

Site visit made on 27 June 2023

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2023

Appeal Ref: APP/J4423/D/23/3322482

28 Alexandra Gardens, Sheffield S11 9DQ

- 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 Marek Kubica against the decision of Sheffield City Council.
- The application Ref: 22/04524/FUL, dated 16 December 2022, was refused by notice dated 17 March 2023.
- The development proposed is the installation of 12 to 14 no. Photo Voltaic (PV) panels on roof, and Electric Vehicle (EV) charging point to parking bay.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have amended the description of development in the banner to that which is on the decision notice as it more succinctly describes the development. I have also amended the address in the banner from that within the application form to remove repetition.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Nether Edge Conservation Area (NECA) and preserve the setting of The Nether Edge Hospital, Kingswood Building, a grade II listed building.

Reasons

4. The appeal site lies within the NECA which is a suburb of Sheffield, characterised by fine Victorian and Edwardian buildings and tree-lined avenues. The statutory requirements[1] require that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Insofar as is relevant to this appeal the significance of the NECA derives from the architectural quality and layout of the buildings within it and its verdant character.

5. The Nether Edge Hospital, Kingswood Building, a grade II listed building, was originally a workhouse dating from the mid C19. It is a large and imposing, predominantly two and three-storey building, of coursed stone construction

[1] Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

with steeply pitched slate roofs. It contains a range of architectural features including coped gables, canted bay windows with coped parapets, a projecting central block with recessed doorway, and shouldered dormer with clock to its front elevation. Attached to its rear are two wings of more recent construction which flank a landscaped courtyard. I am required[2] to pay special attention and have regard to the desirability of preserving the setting of listed buildings. In my view the significance of the Kingswood Building derives from its origins as a workhouse, and the architectural features it possesses.

6. The appeal site is a three-storey mid-terraced dwelling with coursed stone elevations, and slate roof which lies within the southern wing projecting from the Kingswood Building. Together with the northern wing, their elevations and expanse of unbroken roofs visually frame the rear elevation of the Kingswood Building. The dwelling lies within a gated community which forms the redevelopment of the Nether Edge Hospital complex and includes dwellings of varying scale and form, although there is general consistency in materials, and a legibility in design with architectural cues taken from the Kingswood Building. The roof slopes are generally pitched, set behind coped gables and are predominantly free from any interventions. Although the appeal site lies within an area that is located outside of the NECA "character area", I find that the estate preserves the overall character and appearance of the NECA while the appeal dwelling, along with its grouping, forms part of the setting of the Kingswood Building due to its clear visual relationship.

7. The proposal relates to the installation of PV solar panels on the front and rear roof slopes, along with the installation of an EV charging point at the dwelling's designated car parking space within the courtyard. The Council have raised no issue with regard to the EV charging point and, due to its modest scale, I have no reason to disagree.

8. To the rear elevation, the scheme proposes up to 8 PV panels which would result in a high coverage of the overall roof slope of the dwelling. Notwithstanding their coverage, the elevation is relatively discrete, with views of the roof being generally limited to those of a close proximity or between buildings. Furthermore, the visual relationship of this elevation with the listed building is not fully appreciated from the public realm and, as such, the development would not have a direct impact on the setting of the Listed Building. Therefore, in isolation, I consider that these PV panels would preserve the setting of the Listed Building, and the character and appearance of the NECA.

9. However, the four PV panels sited on the front roof slope would result in an isolated and alien feature to an otherwise vast expanse of unbroken roof slope which spans the three elevations fronting the courtyard. Furthermore, their siting would be off-set from the openings below, which have a rigid vertical alignment, and I find that this misalignment would also add to their incongruity. The specification of the PV panels[3] show the panels to have a black appearance surrounded by a silver frame and central bar. This, along with the size and projection would make the panels appear conspicuous, resulting in a stark contrast against the uninterrupted grey slate roof. The proposals would introduce a feature which would draw undue attention to its incongruity,

[2] Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
[3] HEAL Planning Appeal Statement – Appendix A

particularly from views along Alexander Gardens towards the rear of the Listed Building. I find that this would be to the detriment of the setting of the Listed Building, and the character and appearance of the NECA. Having regard to the Framework[4], the degree of harm to the setting of the listed building and the NECA would in both cases would be less than substantial and should therefore be weighed against the scheme's public benefits. I return to this below.

10. The proposals would therefore fail to preserve or enhance the NECA and would harm the setting of The Nether Edge Hospital, Kingswood Building. The proposal is therefore contrary to Policies BE15, BE17 and BE19 of the Sheffield Unitary Development Plan 1998 (the UDP), and the guidance contained within the Framework. These, amongst other things, seek to preserve and enhance heritage assets. I do not find any conflict with the guidance set out in the Designing House Extensions SPG (the SPG), as this appears to relate more to extensions more generally and, in any event, the SPG confirms at paragraph 3.2 that it does not apply to dwellings in Conservation Areas and Listed Buildings.

Other Matters

11. The proposal would deliver clear public benefits through the delivery of renewable forms of energy and encouraging the use of electric vehicles, both of which help to address the effects of climate change. Such environmental benefits cannot be understated and would contribute towards the transition to a low-carbon future. Given the scale of the development, these public benefits attract moderate weight in favour of the proposals.

12. Matters relating to energy security and cost savings would also be benefits of the scheme. However, based on the evidence provided, I cannot quantify or qualify the extent of these economic and social benefits. Nonetheless, they are public benefits to which I can attach limited weight in favour of the development.

13. Reference has been made to PV panels being approved at Nos 23 and 31 Alexandra Gardens. However, I have no specific details of these approvals. Nonetheless, these have been installed, and while these are visible from the street, they are sited on side roofs, behind a parapet while, importantly, their relationship with the Kingswood Building is materially different. These approvals are matters to which I can only give limited weight and, in any event, I have determined the appeal proposal on its merits.

14. It is suggested that limited weight should be given to the policies of the UDP and the Sheffield Development Framework Core Strategy 2009 (the CS) as they pre-date the NPPF. Insofar as these policies seek to preserve and enhance the historic environment I find them to be broadly consistent with the Framework and afford them significant weight in my decision.

15. It has been suggested that the NECA Appraisal is also out of date, as it pre-dates the CS and the Framework. However, any Conservation Area Appraisal is not policy and is a material consideration only, and I have considered the proposals against the development plan, as required by section 38(6) of the Planning and Compulsory Purchase Act 2004.

[4] Paragraph 202

Planning Balance and Conclusions

16. I have identified that the proposed development would cause less than substantial harm to the significance and setting of a grade II listed building. Additionally, less than substantial harm would be caused to the significance of the NECA, through failing to preserve its character and appearance. The preservation of heritage assets are matters to which I am required to attach considerable importance and great weight.

17. I have identified that the scheme would deliver a number of public benefits. However, given the limited scale of the proposals the public benefits combined are insufficient to outweigh the great weight to be attached to t the harm I have identified to the designated heritage assets.

18. For the above reasons, the development conflicts with the development plan, and with the provisions of the Framework in relation to heritage assets and there are no material considerations, which indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

D Cleary

INSPECTOR