



Appeal Decision

Site visit made on 30 August 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2023

Appeal Ref: APP/J4423/W/23/3316024

Land at Junction with Crookes Road, Weston View, Sheffield S10 5BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Stephen Moss against the decision of Sheffield City Council.
 - The application Ref 22/03309/OUT, dated 7 September 2022, was refused by notice dated 29 November 2022.
 - The development proposed is a residential development comprising 4 units with associated car parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the header above has been taken from the Council's decision notice as this more accurately describes the location of the appeal site than that used in the planning application form.
3. The proposal before me has been made in outline with landscaping being reserved for a subsequent application. All other matters, namely access, layout, appearance and scale are to be considered at this stage. I understand from the appellant's case that the submitted drawings, with regard to landscaping, are for illustrative purposes only, I have considered them as such.

Main Issues

4. The main issues are:
 - The effect of the proposal on the living conditions of future and neighbouring occupiers with particular regard to the provision of open space and overlooking; and,
 - The effect of the proposal on the character and appearance of the surrounding area.

Reasons

Living Conditions

5. The appeal site is a long but narrow area of green space between Crookes Road and Weston View within a primarily residential area. The proposal is for the erection of a block of flats providing four two-bedroom units. Given the size of the flats they could be occupied by residents with children. Therefore, with regard to outside space, I find it likely that the typical needs of future occupiers would include sitting outside, socialising and playing.

6. Other than the space partially covered by the appeal site, there is a further open green space off Weston View, although large it is not clear what the entirety of this area is used for. However, I noted a large portion was fenced off and that the rest appeared to relate to the sports and community centre. Lacking demonstrable evidence to the contrary, I find it likely that these areas are not accessible for public informal recreational use.
7. Although, during my site visit, I noted some properties along Weston View appeared to have access to gardens, the two existing blocks of flats did not. Given the above, the occupiers of at least these blocks would rely upon the green space partially covered by the appeal site for any outside recreational space.
8. Whilst the green space may not be a completely level area, I nevertheless find that it provides suitable space for sitting out, socialising and playing. Other than the portion closest to the junction, the green space is screened from Crooke's Road by a tall wall which creates a somewhat private space away from traffic. As noted above, it is also the only space I can be certain is available for the occupiers of the existing flats to make use of. Therefore, whilst the appellant has suggested that it is of a poor quality, I do not find this to be the case and so this does not justify further reducing the useability and quality of the space.
9. The proposal would significantly reduce the scale of this area through the erection of the proposed building and the associated car parking. This would not only reduce the available space but also increase the number of residents that would be reliant upon it. Further, by dividing the communal space and by, in part, relying upon the portion that would be surrounded by parking and two roads, it would erode the quality of the open space currently provided and reduce its appropriateness for children to play.
10. It has also been brought to my attention that the site is allocated as an open space under Policy LR4 of the Sheffield Unitary Development Plan (March 1998, the UDP). Whilst it appears that the whole area now covered by the Weston View development was intended for protection as an open space, it is clear that this area has largely been reduced to that covered by the appeal site. Moreover, I note that a planning obligation associated with the permission 02/0423/OUT secured this space as a retained open area.
11. Although the appellant has suggested that the requirement for open space has changed in the years since the development at Weston View was completed, I have not been provided with any evidence to demonstrate this. Lacking any evidence to the contrary, I find that open space that can meet the typical needs of residents is still an important provision. Therefore, whilst the site, as private land, may not be available to the wider public it nevertheless provides an area of significant importance for residents within Weston View.
12. I note that the proposed ground floor unit appears to have a private amenity space wrapping around one side and the rear of the property. Whilst this would be beneficial for the future occupiers of this plot, it would not be sufficient to make the proposal acceptable given that the proposal would still intensify the demand for open space while also reducing the supply.

13. Therefore, the proposal would unacceptably affect the provision of open space for the use of existing and future occupiers to the detriment of their living conditions.
14. The appellant has provided amended plans that include obscure glazing on a number of windows facing towards the existing block of flats. I find that in the event that the appeal were to be allowed, a condition could be imposed requiring this obscure glazing to be permanently retained. In this case it would therefore be sufficient to prevent any unacceptable loss of privacy through overlooking between the two blocks of flats. I also note that the Council considered obscure glazing would be a potential suitable option to limit any unacceptable overlooking. Although there may still be some perception of overlooking from the occupiers at the existing block of flats, given the distance between, and orientation of, the buildings this would not be unacceptable.
15. The window serving the proposed secondary bedroom of the ground-floor flat would be sited close to a tall wall. From the plans before me I find that the wall, as a result of its height and proximity in relation to the window would somewhat restrict the outlook from this bedroom. The outlook from this window would be poorer as a result, although, not to such an extent as to unacceptably affect the living conditions of future occupiers. Moreover, the affected room is proposed as a bedroom, and this would affect only one room of one flat.
16. Therefore, and notwithstanding the harm outlined above, the proposal would not unacceptably affect the living conditions of neighbouring or future occupiers with regard to privacy and outlook.
17. Nevertheless, the proposal would result in harm in terms of reducing the provision of open space and increasing the demand for such space. The proposal would therefore conflict with UDP Policies LR4, H5 and BE5, and Policies CS47 and CS74 of the Sheffield Development Framework Core Strategy (March 2009, the CS) which collectively, and amongst other matters, require developments to meet the needs of occupiers, including families and children, and provide satisfactory living conditions for occupants and neighbours. They also require developments to protect open spaces, or provide an equivalent or better replacement, especially where there is a quantitative shortage. Paragraphs 99 and 130 of the National Planning Policy Framework (the Framework) similarly require the protection of open spaces, unless they can be suitably replaced, the promotion of well-being and high amenity standards.

Character and Appearance

18. The proposed block of flats is a relatively compact building of a plain design and would have parking to the side accessed from Weston View. It would, as noted above, be sited fairly centrally within an existing open space and would be close to Crookes Road. This part of Crookes Road has a fairly verdant character as a result of mature trees either side of the road and the areas of planting either side of the junction with Weston View.
19. By way of its siting, the proposal would result in the loss of an area of the existing open space, as outlined above. This would be legible from both Crookes Road and Weston View, particularly around their junction. However, the footprint of the building and associated car park would not be so large as to fully remove this space. Moreover, the carpark would be screened in some

views by the boundary wall with Crookes Road and the most prominent area of green space, that closest to the junction, would be retained.

20. Although some landscaping has been demonstrated on the submitted plans, the proposal is in outline with landscaping reserved for subsequent consideration. Nevertheless, I find that these plans demonstrate that a scheme could be possible that would improve the visual appearance of the green space through additional planting following the development. A suitable planting scheme would likely at least mitigate the visual harm from the reduction of this green space.
21. The opposite side of Crookes Road is the edge of the Broomhill Conservation Area (the BCA). However, a significant modern residential development largely screens views of the appeal site from the main body of the conservation area. Moreover, the appeal site is read in the context of existing modern development. Therefore, although some views from and to historically significant buildings within the BCA would be possible, the proposal would have a neutral effect on the BCA and no harm would be caused to the setting of the conservation area.
22. The proposal building and car park would not cover so significant an area of the green space as to unacceptably affect its contribution to the character and appearance of the wider area, including the BCA. The proposal would therefore comply with UDP Policies LR5 and BE5 and Policies CS47 and CS74 of the CS which require developments to be of a high-quality design that respect their surroundings, including public spaces, and contribute towards attractive neighbourhoods. It would also comply with Paragraph 130 of the Framework which similarly seeks developments to maintain a strong sense of place and be visually attractive, in part, through layout and landscaping.

Planning Balance and Conclusion

23. The main parties agree that the Council cannot demonstrate a five-year housing land supply. The submissions by the Council set out a four-year supply whilst the appellant has submitted what they consider to be more up-to-date supply of only 3.63 years. Accordingly, paragraph 11 d) of the Framework would apply.
24. The Government's objective is to significantly boost the supply of housing and the proposal would provide four new dwellings in a location with adequate access to services. It would also lead to a small and time-limited economic benefit during the construction phase as well as through the Community Infrastructure Levy. There would also be some limited social and economic benefits resulting from future occupiers. Although contributing towards the undersupply of housing, given the small scale of the proposal, these matters would at most attract moderate weight.
25. Whilst the proposal may make use of previously developed land, not be at any flood risk or result in any harm to the character and appearance of the area, this lack of harm is not a benefit in itself. I therefore afford these matters neutral weight in my consideration.
26. Conversely, the proposal would result in harm to the living conditions of future and neighbouring occupiers as outlined above, in conflict with the development plan taken as a whole. I attach this matter fairly significant weight.

27. Although the agreed position confirms that the Council is unable to demonstrate a five-year housing supply, which invokes paragraph 11 d) of the Framework, I am satisfied that the adverse impacts which have been identified above would significantly and demonstrably outweigh the benefits from the provision of four dwellings in this instance.
28. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR