



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: 30th October 2023

Appeal Ref: APP/J4423/W/23/3319238

Land Adjacent 1 Orgreave Lane, Sheffield S13 9NE

- 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 Jeremy Robinson (of Fowler Sandford) against the decision of Sheffield City Council.
 - The application Ref 22/02124/OUT, dated 1 June 2022, was refused by notice dated 3 October 2022.
 - The development proposed is an outline application (all matters reserved) for residential development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal before me has been made in outline with all matters, namely access, layout, appearance, landscape and scale reserved for a subsequent application. I understand from the appellant's case that the submitted drawings are for illustrative purposes only, I have considered them as such.

Main Issues

3. The main issues are:
 - Whether the proposal would provide a suitable standard of living conditions for future occupiers; and,
 - The effect of the proposal on highway safety.

Reasons

Living Conditions

4. The appeal site is a long linear plot set between 1 Orgreave Lane and a block of flats. The site, at the time of my visit, had a hedgerow with some mature trees. The surrounding area is primarily residential and with the exception of the block of flats, is characterised largely by rows of semi-detached dwellings. The proposal would include the erection of one detached dwelling. The submitted indicative plans show this as being a linear building set perpendicular to the road and further back than the other dwellings in this row.
5. The three-storey block of flats has a number of front and side facing windows which have views of the appeal site. I understand from the submissions before me that the side facing windows either serve non-habitable rooms or are secondary windows serving habitable rooms. However, I do not find that this in

itself would prevent any overlooking of the loss of privacy at the appeal site. Although I am mindful that the Supplementary Planning Guidance from the Unitary Development Plan (the SPG) refers only to main windows, this is guidance and does not preclude harm from being found from other windows.

6. I am also mindful that any views from the flat's front facing windows would be at an acute angle and that this would somewhat reduce the level of overlooking. Nevertheless, I find that the views would still be afforded from these windows along with the side facing windows.
7. Given the boundary fence between the flats and the appeal site it is unlikely that any unacceptable loss of privacy would occur from the ground floor windows. However, the screening provided by the mature vegetation along the boundary would not be sufficient to prevent views from the upper floors. This would especially be the case when the trees are not in leaf or should any planting be removed as part of the development. I note the appellant intends to replace any lost planting, but I cannot be certain from the information before me that a suitable scheme could be found.
8. Given the above, the upper floor windows of the block of flats result in a significant degree of overlooking to the appeal site. The indicative plans show the area most affected by this overlooking as being a private garden and patio immediately to the rear of the proposed dwelling. The proximity and openness of this area to overlooking would provide future occupiers with very little privacy and a sense of being exposed. I therefore find that the proposal would result in an unacceptable standard of living conditions for future occupiers.
9. The proposed new dwelling is shown as not including any side facing windows that could cause any unacceptable overlooking to the neighbouring properties. However, whilst this would maintain the living conditions of the neighbouring occupiers, it would not mitigate the harm outlined above.
10. I recognise that the proposal is in outline only and so the design and location of the dwelling could be different to that before me. However, given the nature of the site, the close proximity of the windows at the block of flats, and the information before me, I cannot be certain that a suitable scheme could be achieved.
11. Consequently, I find that the proposal would result in a poor standard of living conditions for future occupiers as a result of overlooking and a lack of privacy. The proposal would therefore conflict with Policy H14 of the Sheffield Unitary Development Plan (March 1998, the UDP) which seeks to resist development that would deprive residents of privacy. The proposal would also conflict with the National Planning Policy Framework (the Framework), in particular paragraph 130 which seeks for developments to promote well-being and a high standard of amenity for existing and future users that does not undermine the quality of life. It would also conflict with the guidance on living conditions set out within the SPG with particular regard to the privacy of rear garden areas.

Highway Safety

12. The junction between Orgreave Lane and the main road is a relatively complex one given that it is on a bend and involves crossing traffic islands. The junction is lighted in all three directions. The front of the site is relatively narrow and there is an existing access which, although wide enough for a vehicle, is not

served by a dropped kerb. While access is a reserved matter, given the presence of the substation, I find it unlikely that any alternative positioning of the vehicle access could be achieved. It is however clear that the appeal site could accommodate vehicles turning on site and vehicles could access and egress the site in a forward gear.

13. Given the positioning of the proposed access, vehicles leaving the appeal site would be driving towards the two points at which vehicles leaving the main road, from either direction, would meet Orgreave Lane. Without any traffic controls serving the driveway it would be difficult for drivers leaving the site to anticipate where vehicles will be approaching. This would increase the risk of conflict and collisions at the junction, especially for more vulnerable road users such as cyclists. Similarly, drivers approaching the appeal site are unlikely to anticipate a vehicle entering the site or exiting on to the carriageway so close to the junction and the risk of collision would occur in this respect to.
14. The need to merge into steady flowing traffic would further exacerbate the above concerns to highway safety. Although I note that the Transport statement by Vectos has suggested the use of no entry signs to direct vehicles leaving the appeal site, I do not find that this would be sufficient to prevent the risk to highway safety outlined above.
15. I am mindful that there are existing vehicle accesses adjacent to the appeal site, including that at No 1 Orgreave Lane. Given their proximity to the junction it is likely that they already affect highway safety. However, these accesses are of some age and that they are set further from the main body of the junction than the appeal site. Although I note evidence of at least one recorded incident at the junction it does not appear this was related to the existing accesses. Therefore, whilst there may be an existing risk to highway safety, for the reasons set out above, the proposal would exacerbate this.
16. I note the appellant's reference to the Guidance and Application Form for Domestic Vehicular Crossings, I note also that it specifically refers to a separation distance of at least 10m between a crossing and junction. The proposal would be directly connected to a junction and so I find this extract does not support proposal before me.
17. The proposal would, as a result of the proposed vehicular access, unacceptably affect highway safety on and around the junction serving Orgreave Lane. The proposal would therefore conflict with UDP Policy H14 which requires developments to provide safe access to the highway network. It would also conflict with the Framework, including Paragraph 111 which seeks to prevent unacceptable impacts to highway safety.

Planning Balance and Conclusion

18. The main parties agree that the Council cannot demonstrate a five-year housing land supply. Accordingly, paragraph 11 d) of the Framework would apply.
19. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling 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 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 modest weight.

20. Whilst the proposal may be located in compliance with the Council's spatial strategy for new residential development, as set out in a number of policies of the UDP and the Sheffield Development Framework Core Strategy, this lack of harm is not a benefit in itself. I therefore afford this neutral weight in my considerations.
21. Conversely, the proposal would not provide a suitable standard of living conditions for future occupiers and would be detrimental to highway safety as outlined above, and in conflict with the development plan taken as a whole. I attach these matters significant weight.
22. 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 one dwellings in this instance.
23. 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