



Appeal Decision

Site visit made on 12 March 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 27th March 2024

Appeal Ref: APP/J4423/W/23/3332872

Garages adjacent 90 Broomspring Lane, Sheffield S10 2FB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ryan Lawson of Lawson Property Services against the decision of Sheffield City Council.
 - The application Ref is 23/02242/FUL.
 - The development proposed is demolition of existing garage and erection of two dwellings with associated landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Government published a revised version of the National Planning Policy Framework (the Framework) in December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues in this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action. I will refer to the revised paragraph numbering in my decision.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the Hanover Conservation Area (CA); and
 - whether the proposal would provide satisfactory living conditions for future occupiers with regard to privacy, outlooks and the provision of private outdoor amenity space.

Reasons

Character and appearance

4. The appeal site comprises a single storey brick double garage that is attached to the side elevation of 90 Broomspring Lane, an end of terrace two storey red brick property with white painted quoins, cills and lintels and a slate roof. A small front garden sits to the front of each of the properties within the terrace.
5. The terrace of dwellings that adjoin the appeal site are located to the west. There is a slight step down in the ridge height of the terrace between 94 and

92 Broomspring Lane, nonetheless, the front elevation of the terrace is of a consistent design with, consistently proportioned windows and doors and regular spacing between the lintels and the eaves. Directly adjacent to the appeal site to the north and east is the Broomspring Lane Car Park. A dual carriageway runs alongside the eastern boundary of the adjacent car park. Opposite to the south is the Jesus Centre, a single storey building with an attached two storey stone building. The appeal site is located within the CA boundary.

6. In my view, in relation to this appeal, the significance of the CA is the historic street pattern, the architectural and historical quality of individual buildings, the use of traditional materials, the consistent rhythm of detailing and architectural features and the overall consistency of the design of groups of buildings in the area.
7. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
8. Paragraph 203 of the Framework sets out matters which should be considered, including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 205 of the Framework states 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.
9. The proposal includes the provision of two dwellings, with accommodation laid out over three floors, attached to an existing terrace. It is proposed to provide a roof terrace to the rear and a small enclosed front garden for each dwelling.
10. The design of the proposed dwellings would result in a step down in the ridge height, compared with 90 and 92 Broomspring Lane. This step down in height amongst terraces is commonplace in the surrounding area, reflecting the topography of the lane. Where ridge lines step down, the positioning of windows also respect this change in levels and step down a similar amount. In terms of the step in the ridge height, the proposal would follow the pattern of built form of the existing terrace and the surrounding area and would not appear out of place.
11. However, the positioning and design of the proposed windows in the front elevation would not follow the pattern established in the existing terrace against which it would be read alongside visually. Rather than the windows following a consistent step down, following the rhythm present in the existing terrace, there would be a significant gap between the lintels above the first floor windows and the eaves line. This difference would appear even more incongruous with the presence of stone banding which does not feature on the existing terrace. There are also no blind windows, like the one proposed, in the existing terrace to which the appeal proposal would be attached.
12. I did note the example identified at 21 Filey Street where the window positioning does step down, however in this case the gap between the windows laterally and the corner position mean that it is not viewed in the same way as a longer terrace would be, such as would result from the appeal proposal. The

other examples provided in the misaligned fenestration section of Appendix I of the appellant's statement all show examples where the windows still appear to have a consistent step down, relative to the roof height stepping down.

13. During my site visit, I noted that there are terraces with a larger gap between the first floor window lintels and the eaves line and that stone and brick banding and blind windows are present within the CA. Nevertheless, a key feature of the CA, is that features are retained and replicated within each terrace, providing for distinct characteristics in the different groupings of built form. The proposal would not respect this prevailing pattern of consistency in relation to the existing terrace that it would be attached to and viewed alongside. As a result, the proposal would be harmful to the significance of the CA.
14. The proposed front doors would also depart from the traditional character of doors within the terrace, albeit I acknowledge there are more modern replacement doors present within the CA elsewhere.
15. I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
16. The proposal would provide two additional dwellings in an accessible location at a time when the Council acknowledges that it does not have a five year supply of housing land. Therefore, whilst the proposal would provide some limited economic and social benefits associated with the provision of additional housing, any public benefits would not be significant enough to outweigh the harm I have identified.
17. The loss of the existing garage would not be harmful to the character and appearance of the area or the significance of the CA. Nevertheless, given the limited size and the set back of the existing garage, it is not currently so harmful in terms of character and appearance that the need to remove it would outweigh the harm I have identified above.
18. I therefore find that the proposal would be harmful to the character and appearance of the CA. It would be contrary to Policies BE5, BE15 and BE17 of the Sheffield Unitary Development Plan Adopted March 1998 (UDP). These policies seek, amongst other things, that new buildings should complement the form and architectural style of surrounding buildings and that areas of special architectural or historic interest including conservation areas will be preserved or enhanced through a high standard of design.
19. The appellant asserts that Policy BE5 of the UDP is not consistent with the wider aspirations of the Framework. However, I find that the intentions of the policy, to promote good design and the use of good quality materials in new buildings, to be in general consistency with the aims of section 12 of the Framework. The listed criteria set out under the policy is not overly prescriptive but provides points to address in relation to design considerations.
20. The proposal would also be contrary to paragraph 135 of the Framework, which seeks, amongst other things, that developments are sympathetic to local character and history and that they maintain a strong sense of place. I do not

find that there are sufficient public benefits to outweigh the harm to the designated heritage asset that I have identified.

21. The Council referenced paragraph 207 of the Framework (previously paragraph 201) in its third reason for refusal. However, this relates to an assessment required if substantial harm to or total loss of the significance of a designated heritage asset is identified. As stated above, I have found that the proposal would constitute less than substantial harm, and therefore this particular paragraph is not relevant to the appeal before me.

Living conditions

22. Two obscure glazed windows at ground floor level serving kitchen and dining areas are proposed in each dwelling in the northern elevation. The proposal involves very little outdoor space to the rear, between the northern elevation and the adjacent publicly accessible car park. The significantly limited distance from the rear boundary means that people using the public car park would be able to move in very close proximity to the ground floor windows.
23. Whilst obscure glazing would prevent clear views into the windows, the lack of any meaningful separation or defensible space could lead to residents of the proposal suffering from a lack of privacy or an impression of such. This close relationship between the dwellings and the users of the car park would also potentially lead to issues of noise and disturbance. The proposal would therefore result in unsatisfactory living conditions for future occupants with regard to the level of privacy provided.
24. I am referred to Guideline 4 of the Designing House Extensions Supplementary Planning Guidance from the Unitary Development Plan (SPG) which states a minimum distance to the back boundary from the rear elevation of 10m is normally required, in order to ensure neighbour's privacy as well as amenity. The proposal would not meet this requirement. I acknowledge that the SPG does not form part of the development plan but is a material consideration. I note that the SPG specifically refers to extensions rather than new dwellings and Guideline 4 talks about the effect on neighbours rather than future occupants and therefore is not directly relevant to the appeal proposal.
25. Nevertheless, regardless of the quantitative requirement set out in the SPG not being met, as stated above, I find that the lack of defensible space to the rear of the proposed dwellings would result in unsatisfactory living conditions for future occupants.
26. Whilst the use of obscure glazing in the windows at ground floor level in the northern elevation would ensure daylight reaches the living space, outlooks from the living space would be limited to one window in the southern elevation. This would result in a poor standard of accommodation for those using the main living space.
27. The proposal would provide small front garden spaces in keeping with other properties along Broomspring Lane. Nevertheless, these spaces would not be private and would be clearly visible from the road. The proposal does not include any private rear garden space at ground floor level which is at odds with the prevailing character of the surrounding area, where private rear garden spaces of varying depths are found.

28. A roof terrace is proposed for each dwelling which the appellant asserts would provide approximately 10.8 square metres of external private space for each property. However, the dwellings would each have three bedrooms and it is therefore likely that they could be occupied by families. Whilst you could sit out on a roof terrace, it would not provide space for play or practical activities such as hanging washing out and therefore it would be unlikely to provide sufficient space to satisfy the needs of a family. Taken together, I do not consider the scale or nature of the outdoor amenity space would be commensurate with the needs of a family dwelling.
29. I am referred to Guideline 4 of the SPG which states that the garden size for a two or more bedroomed house should be a minimum of 50 square metres in area. I am also directed to A.1.1 of Section 4A of the South Yorkshire Residential Design Guide 2011 (DG) which states that back gardens should be appropriate to the size of the property, its orientation and likely number of inhabitants. For three or more bedroomed properties it suggests a size of 60 square metres for a private garden. The DG does state that smaller gardens may be acceptable in some circumstances if privacy and daylighting can be maintained. The Council has confirmed that the DG is not adopted but is used to identify technical standards.
30. Neither of the proposed dwellings would meet the quantitative guidelines of the SPG or DG in respect of garden space provided. The appellant has provided an analysis of building to plot ratios of terraced properties along Broomspring Lane. Whilst it does not identify the type of undeveloped space in each case, such as whether it includes private garden space or not, it does show that the building to plot ratio for the appeal proposal is less than the average of those properties included in the analysis.
31. The appellant asserts that the DG does not suggest that all housing development is expected to be served by gardens. Even if there is no specific reference to the need for garden spaces for all development, this does not mean that any size or type of external space should be considered acceptable in principle. It is still necessary to consider whether the external space proposed would be sufficient to provide a satisfactory living environment for the type of development proposed.
32. Whilst close to the city centre and in close proximity to a number of public parks and open spaces, this does not negate the requirement to provide a sufficient amount of useable and private outdoor amenity space as part of the development, for future occupiers.
33. In the event that the appeal were allowed then future purchasers of the dwellings would be aware of the size and type of the external space available. However, national and local planning policies require development to have a good standard of amenity, ensuring that living conditions are acceptable for all potential future occupants.
34. I therefore find that the proposal would not provide satisfactory living conditions for future occupiers with regard to privacy, outlooks and the provision of private outdoor amenity space. It would be contrary to Policy H14 of the UDP which states, amongst other things, that new development will be permitted provided that the site would not be over-developed or deprive residents of privacy or security.

35. The proposal would also be contrary to paragraph 135 of the Framework which seeks, amongst other things, that developments have a high standard of amenity for existing and future users.
36. The appellant asserts that Policy H14 of the UDP is not consistent with the wider aspirations of the Framework. However, I find that the intentions of the policy, to ensure that new buildings do not lead to an unsatisfactory environment for people living in Sheffield, to be in general consistency with the aims of paragraph 135 of the Framework.

Other Matters

37. The appeal site is located in close proximity to a range of services and facilities, accessible by walking, bus and tram services and the proposal would provide two additional dwellings on a small windfall site. There would also be some economic benefits during the construction phase and after with future occupants supporting local services and facilities. However, given the scale of the development these benefits would be limited.
38. The appellant asserts that there would be no harmful effects on the living conditions of occupiers of neighbouring properties or highway safety, that there are no risks of contamination and no increased risk of flooding as a result of the proposal. They also state that off-site mitigation in relation to biodiversity can be achieved. Even if I were to agree, a lack of harm in these respects would be neutral considerations and would weigh neither for, nor against the proposal.
39. I acknowledge that planning permission was granted for one dwelling on the appeal site previously and that a recent scheme for 3 one bedroom apartments was refused by the Council. Nevertheless, those schemes were different to the one before me now, and I must deal with the appeal on its individual merits.
40. There is no dispute between the parties that the Council cannot currently demonstrate a five year supply of housing land. Paragraph 11 of the Framework explains that in these circumstances planning permission should be granted unless the application of policies in the Framework that protect areas of particular importance provides a clear reason for refusing the development proposed. Footnote 7 of the Framework details that this includes policies relating to designated heritage assets.
41. Given that I have found that the development would have a harmful effect on the significance of the CA, the application of the policies in the Framework provides a clear reason for refusing planning permission for the development. Accordingly, paragraph 11d(ii) does not apply in this case.

Conclusion

42. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

G Dring

INSPECTOR