



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: 02 April 2024

Appeal Ref: APP/J4423/W/23/3331953

21 Brincliffe Crescent, Sheffield S11 9AW

- 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 Ms Julia Burrows against the decision of Sheffield City Council.
 - The application Ref is 22/02535/FUL.
 - The development proposed is a new detached Passivhaus dwelling with curtilage of no.21, with the demolition of an existing single garage.
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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 Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the Nether Edge Conservation Area (CA), with particular regard to the proposal's design.

Reasons

4. The appeal site comprises a detached garage and part of the garden that currently serves 21 Brincliffe Crescent, a single storey detached dwelling with accommodation in the roofspace. The appeal site is located within the CA boundary. 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.
5. 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.
6. The CA covers a relatively large area which evolved as a residential suburb throughout the Victorian and Edwardian periods. A key feature along Brincliffe Crescent is the set back of properties from the road with boundary walls, hedgerows and trees located within front garden areas forming a consistent front boundary feature which contributes significantly to the character and appearance of the CA.
 7. Within the vicinity of the appeal site, the CA comprises a range of dwelling types including traditional style villas, more modern detached bungalows, some with accommodation in the roof space and two storey detached and semi-detached dwellings. The prevailing character of roof forms are traditional pitched and hipped roofs and the materials used in the construction of existing dwellings include a mixture of stone, stone coloured brick, painted render and red brick for the walls and traditional slate and grey and red roof tiles used on the roofs. The pattern of fenestration openings in the front elevations are generally well proportioned, consistent and balanced. These features contribute positively to the character and appearance of the area and to the significance of the CA.
 8. I recognise that mimicking the existing Victorian architecture is not necessarily the correct design approach in this case. The appellant refers to a contemporary approach incorporating Scandinavian simplicity with elegant modern detailing. However, the design proposed would hold little reference to local architectural reference or local distinctiveness. Whilst I acknowledge that the proposed windows would be designed as slimline timber triple glazed units to ensure that the environmental credentials would be met, the pattern of fenestration proposed in the front elevation would not appear balanced and would be inconsistent with the character and appearance of most other buildings in the CA.
 9. The proposed materials include white brick and horizontal timber cladding for all of the external walls. Whilst I note the intention to source local timber, coated to provide a consistent finish, neither timber cladding nor white brick are a significant prevailing feature in the locality, to the extent proposed here. The materials proposed would therefore appear incongruous in this location and would not preserve the material characteristics of the CA.
 10. Most properties along Brincliffe Crescent have a clear and obvious entrance point into the front elevation which gives more presence and definition to the design of principal elevations in the surrounding area. The proposed porch canopy attached to the side does define the start of an entrance into the property but is not as clearly defined as other dwellings in the area.
 11. I note that the timber screen is proposed to the front to conceal the air source heat pump. Given the backdrop of the timber cladding proposed behind it, in isolation, I consider that this particular feature would not appear overly dominant. The proposed positioning and set back of the flue also mean that this would not appear overly prominent. Nevertheless, in combination, the overall design and materials proposed would not appear to reference any locally distinctive features and as a result the proposal overall would not preserve or enhance the character or appearance of the CA.

12. I acknowledge that the proposed dwelling would be set back from the road and would be on a site lower than the road level. I also acknowledge that the front boundary wall, apart from the section removed to create a new access point, would be retained and the intention to replace boundary planting that would need to be removed to facilitate the proposal. However, these features would not mitigate the harm I have identified above.
13. I note that the appellant would be amenable to altering the positioning of windows and that the Council did not request further details about the transition between the roof and the elevations which the appellant considers could have been resolved. However, resolving these details alone would not overcome the harm that I have identified.
14. I find the harm to the CA would be less than substantial in this instance. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
15. The development offers potential benefits in terms of providing an additional dwelling in an accessible location. 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.
16. I note the intention to provide a dwelling to Passivhaus standards and the higher standard of environmental performance that this may bring. The pursuit of Passivhaus principles and other sustainable design credentials can be afforded some positive weight but this would be limited by reason of the very small scale of the scheme.
17. When having regard to each of those factors, the public benefits of the proposal do not outweigh the great weight which the Framework advises should be given to the conservation of the designated heritage asset in the context of the less than substantial harm identified.
18. I therefore find that the proposed design would be harmful to the character and appearance of the CA. It would be contrary to Policies H14, BE15, BE16 and BE17 of the Sheffield Unitary Development Plan Adopted March 1998 (UDP) and Policy CS74 of the Sheffield Development Framework Core Strategy Adopted March 2009. These policies seek, amongst other things, that new buildings are well designed and in keeping with the character of neighbouring buildings, that developments respect, take advantage of and enhance distinctive features and that developments will preserve or enhance the character or appearance of the conservation area through a high standard of design.
19. I note that Policies BE15 and BE16 of the UDP do not require the harm of a proposal to be weighed against any public benefits and are not in full consistency with the Framework. That said the overarching objective of these policies to conserve and enhance designated heritage assets is consistent with the overall aim of the Framework. I have in my assessment considered the public benefits in line with the requirements of the Framework. The Council refers to Policies BE14 and BE19 of the UDP in its reason for refusal, however, I have not been provided with copies of these policies and they are not referenced in the Council's Officer Report in any detail.

20. The proposal would also be contrary to paragraphs 135 and 205 of the Framework, which seek, amongst other things, that developments should be sympathetic to local character and history and that great weight should be given to the conservation of designated heritage assets. I do not find that the public benefits outweigh the harm to the CA that I have identified.

Other Matters

21. The appellant asserts that there would be no harm to the living conditions of neighbouring occupiers. Even if I were to agree, this would be a neutral consideration that would weigh neither for, nor against the proposal.
22. I note that the Council has granted planning permission for a dwelling on the appeal site previously. Nevertheless, I have been provided with some details of that previous scheme, and I note that it was a different design to the one now before me. I must deal with this appeal on its individual merits.
23. The Council has stated that it 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.
24. 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 provide a clear reason for refusing planning permission for the development. Accordingly, paragraph 11d(ii) does not apply in this case.
25. I note the appellant has been frustrated by the level of engagement provided by the Council during the planning application and they feel that there has been a comparison to the previously approved scheme rather than considering the proposal afresh. Nevertheless, this does not weigh in favour of the proposal.

Conclusion

26. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

G Dring

INSPECTOR