



Appeal Decisions

Site visit made on 2 April 2024

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 4 April 2024

Appeal A Ref: APP/J4423/W/23/3322517

The Office, 117 Upperthorpe Road, Sheffield S6 3EA

- 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 H Nagi against the decision of Sheffield City Council.
 - The application Ref is 22/04105/FUL.
 - The development is change of use to a private function hall (Use Class Sui Generis) and erection of a single-storey side extension and internal alterations to existing building including raising the floor level and reconfiguration of toilet areas.
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Appeal B Ref: APP/J4423/Y/23/3322531

The Office, 117 Upperthorpe Road, Sheffield S6 3EA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr H Nagi against the decision of Sheffield City Council.
 - The application Ref is 22/04106/LBC.
 - The works are the erection of a single-storey side extension and internal alterations to existing building including raising the floor level and reconfiguration of toilet areas.
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Decisions

1. Appeal A is dismissed, and Appeal B is dismissed.

Preliminary Matters

2. There are two appeals on this site. They relate to the planning application and listed building consent for the same scheme. To avoid duplication, I have dealt with them together, except where otherwise indicated.
3. To be more succinct, I have revised the wording of the description of development/works in the banner heading above to reflect that stated in the appellant's appeal forms and the Council's decision notices. I have also removed the words 'retrospective application' as this is not a description of development/works.
4. The development/works have already been implemented. I have determined these appeals on this basis and with regard to the plans before me. Having visited the site, I am satisfied that the plans appear to accord with what is on the ground.
5. A revised version of the National Planning Policy Framework (the Framework) has been published since the Council issued its decisions. In this instance, the relevant changes only relate to paragraph numbering and do not fundamentally affect the substance of the matters under appeal.

6. I have a statutory duty under sections 66(1) and 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 195 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
7. Whilst the Council makes no reference in their reasons for refusal to the effect of the internal works on the special interest and significance of the listed building, to comply with my statutory duty, I have also considered these matters in the determination of the appeals.

Main Issue

8. The main issue is whether the proposal would preserve the Grade II listed building (listed as Eversley House, 117 Upperthorpe Road) or any features of special architectural or historic interest that it possesses (both Appeals).

Reasons

Significance

9. 117 Upperthorpe Road (No.117) was listed in 1973 (Ref 1247457) and the list description mentions that the two storey house dates from the 1840s with late 20th century alterations and additions and has been more recently been used as a club. It is brick with stone dressings and has a hipped slate roof. It describes the architectural detailing of the front, and side elevation fronting Oxford Street, including the sash windows and blank windows, first floor band, and details of the Ionic portico, panelled door and lattice overlight. It states that the interior was not inspected. It should be noted that list descriptions, are for identification purposes only and do not necessarily provide an exhaustive or complete description of the building's special interest. Therefore, the fact that the list description does not include details of the building's other elevations or interior does not indicate that they do not contribute to the building's special interest or significance. The building is also identified as having Group Value.
10. No.117 is an attractive classically designed town house which stands prominently on the corner of a crossroads with several period properties in the immediate vicinity. The prominence of the appeal property is enhanced by its elevation above the road by a high brick wall topped with railings. The appeal premises is therefore part of an architecturally unified cluster of period buildings within an historic streetscape which provides evidence of the historic origins of the settlement.
11. Compared to the architectural embellishment and the symmetry of the frontage, the side elevation fronting Oxford Street is planer but nevertheless, the detail and arrangement of the sash windows and blank windows in the historic part of the building shows an intention to respect the classical principles of the building's architecture. This elevation contributes to the building's historic and aesthetic value. The flat roofed extension running along part of this side elevation (prior to the works subject to this appeal) was clearly a modern addition of very different form and appearance. The evidence before me suggests that whilst its form and details were largely unsympathetic to the host building, its limited projection from the building, together with its materials and colour meant that it was not unduly noticeable.

12. The significance of the listed building, in so much as it relates to the appeal before me, is largely derived from its age, form, historic fabric and its architectural detailing. These attributes mark it as an important survival of a period townhouse. The status and significance of this building is clearly apparent when viewed from the front and the Oxford Street elevation, and this is reinforced by its context within a grouping of historic properties. These are the surroundings in which the listed building is experienced and appreciated, and they directly contribute to its special interest and significance.

Effect of development/works

13. The recent addition to the flat-roofed extension, which is the subject of this appeal, has added considerably to its overall size and bulk making it a much more dominant addition to the listed building. Its increased presence is clearly seen in conjunction with the front elevation, especially in longer-range views from Albert Terrace Road to the south. Also, views are afforded from elevated ground on Oxford Street where both the walling detail and the expanse of the flat roof can be seen.
14. The brickwork to the new part of the extension is a poor match in terms of colour and texture to the adjoining brickwork, which is a much darker red, and the vertical joint indicated to me that no attempt has been made to key it in. Poor quality cement patch repairs have also been made around openings. Furthermore, the upvc windows with their thick frames, top-opening lights and some with projecting sills do not respect the traditional joinery details and finish of the windows on the listed building. Furthermore, the metal security grilles covering some of these windows, the two entrance doors externally covered by solid roller-shutters with external shutter boxes jutting out from the building, upvc fascia band and air conditioning units all add to the prominence of the extension and its incongruity on a listed building when viewed from the surrounding area. The combination of all these features makes the addition read as more of a building associated with a screened rear yard or more typically associated with a modern industrial or commercial building rather than a prominently sited structure on a 19th century, period former dwelling of high status.
15. The consultation by the Council's conservation officer suggested that many of the internal works undertaken were not covered in the listed building consent application and there appeared to be confusion as to which parts of the building were covered by the listing. Regarding this latter matter, I have already noted that the list description is rarely a full assessment of a building's special interest, and the interior can often make an important contribution.
16. From the details available to me and from visiting the property, a significant number of changes have been made to the interior of the ground floor over the years. Whilst many of these works have been within the more recent flat-roofed part of the building at the rear, some also appear to have affected the layout and internal details of the historic building. However, what is unclear to me is exactly what works have been undertaken by the appellant and how these have affected the historic layout and features of the building.
17. I noted changes within the historic part of the building which appear to have been recently undertaken involving changes to the layout, removal of the cellar access within the building, the installation of an internal grille within the sash window of the lounge and internal boarding of the sash window serving the

lobby area (both on the front elevation). I also saw that upvc windows had been installed within the flat-roofed extension on the north-eastern side of the building which were visible from the front elevation. Therefore, in the absence of a comprehensive schedule of internal works undertaken by the appellant and adequate details of the interior before and after the works, it is not possible to identify exactly what works the appellant is seeking approval for or for me to understand their impact on the building's special interest and significance. Therefore, I am not able to comply with my statutory duty in this regard and it cannot be demonstrated that no harm has been caused to the interior.

18. Whilst the appellant is willing to remove the security grills, shutters and is willing to make changes to make the proposal more favourable, I have no adequate details before me. Furthermore, the addition of conditions to any approval to support such measures would not address the extent of the harm identified or address the lack of detail accompanying the development/works.
19. Considering all of the above, I find that the development/works fail to preserve the special interest and significance of the listed building. Therefore, the expectations of the Act are not met. Paragraph 205 of the Framework advises that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of those assets and any such harm should have a clear and convincing justification. I find the harm in the context of the significance of the heritage asset as a whole, in the language of the Framework, to be less than substantial in this instance. This commands considerable importance and weight¹ and is not to be treated as a less than substantial objection.
20. Where a development/works lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
21. The development/works are clearly beneficial to the appellant's business, providing an internal arrangement that suits its running. However, this is essentially a private benefit. There would be economic benefits, it would bring the listed building back into active use and secure its future repair and maintenance. The building would also remain in community use. These are all modest public benefits. However, it has not been demonstrated that these benefits could not be achieved in a different way which would not cause harm to the listed building. Moreover, I have been given no adequate evidence that the continued viable use of the appeal property is dependent on this development and works. Previous occupants may also have undertaken some of the works to the interior but given the limited information before me it is not possible to establish this with any certainty. In any event, this would not adequately resolve the matter from a listed building perspective.
22. Given the above, I conclude that the public benefits identified are of insufficient weight to outweigh the great weight to be given to the harm to the designated heritage asset. As such, the development/works do not comply with paragraph

¹ Barnwell Manor Wind Enterprise Ltd v East Northants DC, English Heritage, National Trust & SSCLG [2014] EWCA Civ. 137.

205 of the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the listed building.

23. The development/works fail to preserve the Grade II listed building and any of the features of special architectural or historic interest that it possesses. They therefore fail to satisfy the requirements of the Act and the Framework and would conflict with Policies H14, BE5, BE15 and BE19 of the Sheffield Unitary Development Plan (1998) which seek to underpin the statutory and policy objectives.

Conclusion

24. For the above reasons, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

G Bayliss

INSPECTOR