



Appeal Decision

Site visit made on 8 May 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th June 2024

Appeal Ref: APP/J4423/W/23/3333326
45A Brooklands Avenue, Sheffield S10 4GB

- 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 UK Homes Ltd against the decision of Sheffield City Council.
 - The application Ref is 23/00198/FUL.
 - The development proposed is the demolition of dwellinghouse, erection of four detached dwellinghouses including garages and one detached garage, associated landscaping and access improvements.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of dwellinghouse, erection of four detached dwellinghouses including garages and one detached garage, associated landscaping and access improvements at 45A Brooklands Avenue, Sheffield S10 4GB in accordance with the terms of the application, Ref 23/00198/FUL, subject to the conditions in the attached schedule.

Preliminary Matter

2. Amended plans were provided with the appeal that included changes to the rear elevations of the proposed dwellings. As these details did not form part of the submission to the Council, I consider interested parties could be prejudiced if these were considered as part of this appeal. I have therefore made my decision based on the proposal as submitted to the Council.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of surrounding residential occupiers with regards to privacy, light and noise disturbance.

Reasons

4. The appeal site comprises of an irregular shaped site to the rear of properties on Brooklands Avenue, Whitfield Road and School Green Lane, with the access to the site between 45 and 47 Brooklands Avenue. A dormer bungalow property currently occupies the site and is surrounded by large garden areas which are at different levels, reflecting the varying topography in the area.
5. The front of the proposed dwellings would face the properties on Brooklands Avenue, with the rear towards School Green Lane. Although the separation distance between the windows of the proposed dwellings and these neighbouring properties would be adequate, as it would meet or exceed a

distance of 21m, the proposed dwellings would provide views towards the garden areas of these properties. The front and rear elevations of the proposed dwellings would also feature large areas of glazing, including windows in the gable features at roof level, which would give rise to the perception of being overlooked.

6. The appeal site is however situated in an urban area where residential properties already have views into the gardens of neighbouring properties. Given this context, and the distance at which the windows would be seen, as well as the intervening landscaping and boundary treatment that has been referenced, I do not consider that there would be material harm to living conditions arising from the perception of overlooking.
7. Those using the driveway access to the proposed dwellings would pass close by to the neighbouring properties to either side, but any overlooking would be readily mitigated by existing and proposed boundary treatment.
8. This treatment would also ensure that light spill from vehicle headlights would not be unduly harmful to neighbouring properties. Light would also emanate from the large, glazed areas of the proposed dwellings, but having regard again to the separation distance from the proposed houses to the neighbouring properties, the proposal would not give rise to a harmful impact in this respect.
9. The proposed access, which would serve four dwellings rather than the current single property, will inevitably see an increase in the number of vehicle movements. The proposal would however replace the existing gravel surface access with a tarmac finish, and this according to the evidence before me¹, along with the attenuation provided by the acoustic fencing, would result in lower noise levels. The proposal would not therefore be significantly detrimental to neighbouring residential occupiers.
10. I therefore conclude that the proposed development would not have an unacceptable adverse impact on the living conditions of surrounding residential occupiers with regards to privacy, light and noise disturbance. As such, it would comply with Policies BE5, H14 and H15 of the Sheffield Unitary Development Plan and Policy CS 74 of the Council's Core Strategy, which seek, amongst other matters, that new development does not deprive residents of privacy and would not cause unacceptable noise or other nuisance. It would also comply with Paragraph 135 of the Framework, which seeks a high standard of amenity for existing and future users.

Other Matters

11. The appellant submitted a separate application² to the Council for four dwellings which has subsequently been approved. Both main parties have set out the relevance of this approval to this appeal proposal. As I have found the development to be acceptable, it is not necessary for me to consider this fallback position further.
12. I have considered representations made by interested parties in relation to the design of the proposal, with reference to the high density of the development, the size of the gardens and the height of the proposed houses. The spacing between the dwellings is not dissimilar to some of the surrounding dwellings

¹ Noise Impact Assessment (NoiseAssess Ltd October 2023)

² LPA Reference: 23/03631/FUL

and the density would be lower than the recommended density set out in the Core Strategy. In relation to the height of the proposed dwellings, although they would incorporate gable features, for the most part they would have a pitched roof form and appear as two storey dwellings. As such, I do not consider the proposal would be overdevelopment and the scheme would have no detrimental impact on the character and appearance of the area.

13. Concerns have also been raised regarding the impact of the access arrangements on highway safety, with reference to the level of parking proposed, the length and width of the site access and visibility of those emerging from the development. The proposal would however provide adequate on-site car parking and turning facilities, and the Council has confirmed the acceptability of the proposal in this regard. I was able to see that the access drive provides good visibility in both directions of the vehicular carriageway along Brooklands Avenue for emerging drivers given the width of the pavement and the presence of the grass verges. Although the visibility of pedestrians would be restricted given the boundary treatment to either side of the access, as vehicles would likely be emerging at slow speed and there are low levels of pedestrian movements along Brooklands Avenue, I do not consider that the proposal would be unduly harmful in relation to highway safety.
14. Given the separation of the proposed dwellings to surrounding properties and the presence of mature trees along boundaries, I do not consider there would be a detrimental impact by way of overbearing impact or loss of light. The impact of the development on tree roots, drainage and wildlife have been raised, but these are matters which can be addressed by conditions.
15. Other matters have been raised in relation to the need for new dwellings, disturbance during building works and the loss of a view but these do not alter my conclusion in relation to the main issue on this appeal.

Conditions

16. I have considered the conditions suggested by the Council and consultees, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended those suggested as appropriate.
17. I have attached materials and landscaping conditions in the interests of ensuring the development's acceptable appearance in order to safeguard the area's character and appearance.
18. Conditions are also necessary to protect trees, in relation to biodiversity and on drainage matters, to address drainage and risks from flooding. A condition is also required to secure details of the surfacing of the access driveway in the interests of the living conditions of surrounding residential occupiers and highway safety. It is essential for these to be pre-commencement conditions to ensure there is no adverse impact on trees, on protected species, for the reason of flood prevention, and to prevent against adverse harm to living conditions and highway safety.
19. The submission and agreement of details relating to light from the development is necessary in the interests of surrounding residential occupiers, as are the details of the site boundary treatment for this same reason and in the interests of the character and appearance of the area. Although reference

has been made to louvres which could be fitted to window openings, as I have found that the development would not have an unacceptable adverse impact by way of overlooking or perceived overlooking, this condition is not necessary.

20. For highway safety reasons, I have imposed conditions relating to car parking provision and on the site access being free from gates or barriers. A condition is required removing Permitted Development rights given the restricted external areas of some of the proposed dwellings and to protect trees.

Conclusion

21. The proposed development would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. I conclude the appeal should be allowed.

F Rafiq

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No development above floor slab level shall take place until details and samples of all proposed external facing materials, including all hard landscaping materials, have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details/samples.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. 3090 -001 Rev A Proposed Site Plan published 01/02/2023
Drawing No. 3090 - 002 Plans and elevations Plot 1 published 20/01/2023
Drawing No. 3090 - 003 Plans and elevations Plot 2 published 20/01/2023
Drawing No. 3090 - 004 Plans and elevations Plot 3 published 20/01/2023
Drawing No. 3090 - 005 Plans and elevations Plot 4 published 20/01/2023
Drawing No. 3090 -006 Site Sections 1 published 20/01/2023
Drawing No. 3090 -007 Site Sections 2 published 20/01/2023
Drawing No. 3090 -008 Site Sections 3 published 20/01/2023
Drawing No. 3090 -010 Spring Solar Study published 20/01/2023
Drawing No. 3090 -011 Summer Solar Study published 20/01/2023
Drawing No. 3090 -012 Autumn Solar Study published 20/01/2023
Drawing No. 3090 -013 Winter Solar Study published 20/01/2023
Drawing No. 3090 -014 Rev A Plot Boundaries and Areas published 01/02/2023
Drawing No. 3090 -016 Garage Plot 4 Plans and elevations published 20/01/2023
Drawing 1349-004 Rev D Landscape Master Plan and Planting Plan published 01/02/2023
Drawing 1349-006 Rev D Tree Protection Plan published 01/02/2023
- 4) No development shall commence until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.
- 5) No development shall commence until a Landscape and Ecological Management Plan, including short, medium and long term aims and

- objectives, management responsibilities and maintenance schedules for all distinct areas, has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall thereafter be implemented as approved.
- 6) Development shall not commence until a biodiversity gain plan has been submitted to and approved in writing. Thereafter the approved plan shall be implemented, with evidence of this submitted to and approved in writing by the Local Planning Authority and the development shall not be occupied until this has taken place.
 - 7) Before any work commences upon site, including any site clearance works the applicant shall produce a statement confirming that the site is not occupied by protected species and, if development is to commence within the bird nesting season, to confirm that no nesting birds will be affected by the proposed works. The statement shall be prepared by a qualified ecologist and shall include measures that will be undertaken during the course of development to protect protected species.
 - 8) Before the use hereby permitted commences, the applicant shall submit for written approval by the Local Planning Authority a report giving details of the impact of light from the development on adjacent dwellings. The report shall demonstrate that the lighting scheme is designed in accordance with The Institution of Lighting Professionals document GN01: 2011 'Guidance Notes for the Reduction of Obtrusive Light'. The development shall be carried out and thereafter retained in accordance with the approved details.
 - 9) No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the lifetime of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.
 - 10) Before development commences full details of the surfacing of access driveway shall be submitted to the Local Planning Authority for written approval and the development shall not be brought into use until the approved surfacing is in place.
 - 11) The dwellings shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the dwellings being completed, and shall thereafter be retained.
 - 12) Details of a suitable means of site boundary treatment, including specifications for acoustic fencing, shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority and the dwellings shall not be occupied unless such means of site boundary treatment has been provided in

- accordance with the approved details and thereafter such means of site enclosure shall be retained.
- 13) The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter, the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced. The Local Planning Authority shall be notified in writing when the landscape works are completed.
 - 14) The dwellinghouses shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.
 - 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the development shall be constructed without prior planning permission being obtained from the Local Planning Authority.
 - 16) There shall be no gates or barriers erected at the means of access to the site.
 - 17) Surface water and foul drainage shall drain to separate systems.

End of Conditions