



Appeal Decision

Site visit made on 9 July 2024

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 August 2024

Appeal Ref: APP/J4423/W/24/3338970

Unit 8, 3 Kenwood Road, Sheffield, South Yorkshire S7 1NP

- 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 Chris Travis against the decision of Sheffield City Council.
 - The application Ref is 23/02822/FUL.
 - The development proposed is described as: *proposed roof to stairwell, alterations to rear windows.*
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the host building and whether it would preserve or enhance the character or appearance of the Nether Edge Conservation Area; and,
 - The effect of the proposal on the living conditions of the neighbouring occupiers of Flat 7 of 3 Kenwood Road, with particular regard to overlooking.

Reasons

Character and appearance

3. The appeal site is located within the Nether Edge Conservation Area (CA). The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
4. The Conservation Area Appraisal suggests that speculative development over time has seen a gradual increase in density around Kenwood Road. Despite this, the Appraisal notes that this transition is smooth, and this is evident in the area surrounding the appeal site.
5. The appeal property is a three-storey detached building made of stone with formal window arrangements, mature landscaping, an in-out access drive to the front and a car park to the rear. As existing, the property is utilised as a series of flats. Previous extensions have been constructed in the form of an enclosed fire escape to the upper floor accommodation and a two-storey rear extension with the provision of a veranda. When viewed from the rear of the site and the wider CA, there is a strong elevation of natural stone which is set against the original building.

6. The proposed roof would add a significant bulk to the fire escape extension and would appear dominant against the host building. The height, position and the steep angle of the proposed roof would create a development which would cut across the gable feature of the original property. This would appear as a disjointed feature which would be exacerbated by the rooflight located at a lower height to those found in the existing building when viewed from the properties and street to the rear in particular. As such, this would create a cluttered appearance due to the contrast in fenestration positions along this upper floor elevation. The proposal would create a prominent and incongruous addition to the host building and as such, would result in less than substantial harm to the CA.
7. The appellant has included in their evidence several images and examples of planning applications of developments which have been approved which they consider relevant to this appeal. Whilst a decision notice and a series of plans have been provided, I cannot ascertain the context sitting behind these decisions and, in any event, planning applications are judged on their own merits. Nevertheless, one particular example which has been provided is that of an apartment block located to the rear of the appeal site on Sharrow View. This building contains elements akin to this appeal through the provision of a three-storey stairwell access with a sloped roof and a rooflight. However, whilst there are similarities between the two, evidence regarding this building is limited. Even if this was an extension to the original building, the structure is harmonious with the host building, unlike the proposal assessed under this appeal.
8. In terms of the National Planning Policy Framework (the Framework), the harm that I have identified would be less than substantial. The Framework establishes that any harm should be weighed against the public benefits of the proposal. The Framework also requires that great weight be given to the conservation of a heritage asset irrespective of whether any harm would amount to less than substantial harm to its significance.
9. The proposal would provide some economic benefits from the construction process in the form of materials and labour, amongst other things. However, given the scale of the proposal, I am satisfied that this benefit should only be given limited weight. The proposal would also prevent the accumulation of rainwater on the external fire escape and reduce the danger for its users. The introduction of the rooflight would assist somewhat in the conservation of energy. However, these matters are of limited public benefit and as such, I ascribe limited weight. In this context I find that the limited public benefits of the proposal are not sufficient to outweigh the degree of harm identified.
10. The proposal would harm the character and appearance of the existing building and would fail to preserve or enhance the character or appearance of this part of the CA. It would fail to meet the requirement of Policies BE5, BE16, BE17, and H14 of the Sheffield Unitary Development Plan 1998 (UDP) and Policy CS74 of the Sheffield Core Strategy 2009 (CS). These policies seek for extensions and alterations to existing buildings to be well designed which respects the scale, form and detail of the original building. Furthermore, when undertaking development proposals within CA's, this should be of the highest standard.

Living Conditions

11. The Council note that the granting of previous permissions (18/04440/FUL and 2102897/FUL) required the new rear window to be obscurely glazed and non-openable. In this configuration, the residents of flat 8 would be unable to access the rear veranda which serves flat 7 and the access to the rear fire escape stairs. The proposal would introduce an opening door to replace this previously granted rear window. In enclosing the stairs with a new roof, a side door would be located on the side elevation which would allow the users of flat 8 to access a small veranda area. This would be adjacent to the main external terrace which serves flat 7, with no boundary treatment to divide the two.
12. As such, when utilising this door, overlooking would occur between the appeal property and flat 7 due to the provision of the side door and the absence of a physical boundary structure between the two. It is noted that the occupiers of flat 8 could access the external fire escape from the car park at the ground floor and overlook the rear veranda of flat 7 in its permitted format under applications 18/04440/FUL and 2102897/FUL. However, this is unlikely as it is noted in the evidence before me that the occupiers of the appeal property would be unable to access flat 8 owing to the non-openable aspect of the permitted window at the top of the fire escape.
13. Therefore, the proposal would work against Policy H14 of the UDP. Policy H14 states that development will be permitted provided that the site would not deprive residents of privacy, amongst other things.

Other Matters

14. The appellant notes that this roof structure would increase the safety of the fire escape steps and should an accident occur during the use of these steps, they wish to be exonerated of responsibility. They further contend that the decision makers in refusing this application be subject to litigation and responsibility if this was to occur. These are fire escape stairs and as such, would be used in a rare occasion.

Conclusion

15. In conclusion, the proposal would conflict with the development plan and there are no other considerations that outweigh this conflict. Therefore, the appeal should be dismissed.

J Smith

INSPECTOR