



Appeal Decision

Site visit made on 26 September 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2024

Appeal Ref: APP/J4423/W/24/3340658

Garages Between 273 And 277 Brincliffe Edge Road, Sheffield S11 9DA

- 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, Lawson Property Services against the decision of Sheffield City Council.
 - The application Ref is 23/02241/FUL.
 - The development is demolition of 2no. single garages, erection of a detached dwellinghouse and provision of associated landscaping works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (2023) (the Framework). The consultation and draft Framework do not constitute Government policy or guidance. However, they are capable of being material considerations in appeals. Notwithstanding this, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of the consultation.
3. An amended plan was submitted prior to the determination of the application which included reducing the proposed development from a 3 bedroom property to a 2 bedroom property. I have considered the appeal on the basis of the amended plan received by the Council during the consideration of the application.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on (i) the character and appearance of the area; (ii) the living conditions of future occupiers; and (iii) the highway network.

Reasons

Character & Appearance

5. The appeal site lies within a predominantly residential area which comprises a variety of property design and types within the area.

6. The proposed development does follow the established building line fronting onto Brincliffe Edge Road and maintains a front garden area consistent with adjoining properties. There is a levels difference in the area, with the appeal site located on the brow of a hill, No. 277 Brincliffe Edge Road is at a lower level to the appeal site and takes the appearance of a bungalow at the front however is two storey to the rear. No 273 Brincliffe Edge Road along with the remaining properties along this building line, in general, have a regular form, design and pattern of development.
7. The proposed detached property which would appear as a modern two storey property from the front, three storey at the rear would be significantly lower than No. 273 however higher than No. 277. The Council do not raise concern with regard with the design of the property.
8. Notwithstanding this the small footprint of the property along with the constrained plot size is at odds with the prevailing pattern of development within the area. The proposed development would appear incongruous in the immediate area.
9. I conclude that the proposed development would harm the character and appearance of the area.
10. There is conflict with Policy H14 of the Sheffield Unitary Development Plan (1998) (the UDP) which seeks amongst other things for building to be well designed in-keeping with the scale and character of neighbouring buildings.
11. There is conflict with the Framework which seeks amongst other things to ensure developments are of good design appropriate and sympathetic to their surroundings.

Living Conditions

12. The proposed development has been reduced from a 3 bedroom property to a 2 bedroom property following concerns from the Council that the accommodation would not met the Technical Housing Standards - Nationally Described Space Standard (March 2015 as updated) (the NDSS).
13. The previously proposed first floor bedroom with ensuite is shown on the amended plans to be a large study. The Council raise concern that this could be used as a bedroom and as such would not meet NDSS.
14. In terms of external amenity space, the appellant acknowledges the shortfall in the amount of outdoor space citing 12.6sqm to the rear and 20.4sqm to the front. The South Yorkshire Residential Design Guide (2011) (the SYRG) is not formally adopted by the Council however is used as guidance. The SYRG states that private gardens of two bedroom houses/bungalows should be at least 50 square metres. Smaller gardens may be acceptable in corner zones of blocks if privacy and daylighting can be maintained.
15. The amenity space to the front of the proposed building would not provide a degree of privacy due to the openness of the area. I viewed the site from the rear of No. 273 Brincliffe Edge Road during my site visit and noted that due to the level difference between properties in the area, the proposed amenity space to the rear would be significantly overlooked from the occupiers of No. 273.

16. The proposed amenity space would not provide a functional area of private space adequate for the proposed development.
17. Whilst the SYRD is not adopted and even if adopted it is important to recognise that such guidance does not constitute a 'black and white' set of rules to be applied rigidly or exclusively when other material considerations indicate that an exception may be appropriate.
18. My attention has been drawn by the appellant to examples of development where the Council has accepted a shortfall of amenity space. I have not been provided with substantive evidence to compare the developments referenced to the appeal before me. Nevertheless, I note that the examples referenced indicate private amenity space greater than that proposed private amenity space to the rear of the property.
19. The flats also referenced by the appellant allowed on appeal¹ are noted to be well served by recreation space and did not propose outdoor space. Notwithstanding this I note that these were one-bedroom flats which are unlikely to be occupied by families, which may have influenced the decision.
20. Whilst Chelsea Park is a short distance away from the appeal site, I am not persuaded that the lack of private amenity space would be appropriate for the proposed development. I therefore conclude that the development would be harmful to the living conditions of future occupiers.
21. There is conflict with H14 of the UDP which amongst other things seeks to ensure developments are well designed and residents have adequate privacy.
22. There is also conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Highway

23. The Council confirm that the Council's Parking Guidelines specify that for 2 or 3-bedroom dwellings 1- 2 off road parking spaces would be expected. The proposed development does not include off-street parking.
24. The appeal site is located opposite the Quarry Lane junction, at the brow of a hill. Whilst only a snapshot in time during my site visit I observed on-street parking occurring in front of properties in the immediate area.
25. Brincliffe Edge Road curves at the brow of the hill adjacent the appeal site. I observed during my site visit that vehicles manoeuvred into the middle of the road travelling northwest due to the existing on-street parking. The on-street car parking along with the curve and incline of the road, when travelling southeast, restricted visibility.
26. A parking survey has been provided by the appellant entitled Brincliffe Edge Road, Sheffield, Technical Note produced by MJM Consulting Engineers which details that there is on-street parking available during the night. Whilst this maybe the case parking outside of the proposed development during the day or night would restrict carriageway width opposite the Quarry Lane junction. This has the potential to further restrict visibility at the brow of the hill.

¹ Ref: 21/05367/FUL

27. Whilst there is capacity for parking spaces at night it is clear that on-street parking within the immediate area occurs. Due to the constraints of the highway and the existing on-street parking I find that the appellant has failed to demonstrate that the proposed development would not harm the highway network.
28. There is conflict with Policy H14 of the UDP which seeks amongst other things for developments to not impact the transport network and to provide appropriate off-street parking.
29. There is conflict with the Framework which seeks to ensure developments have an acceptable impact on highway safety.

Other Matters

30. The appeal site is adjacent Nether Edge Conservation Area. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the proposed development on the character or appearance of the area.
31. Chelsea Park, a locally listed historic park is opposite the appeal site. Whilst local listing does not impose any additional planning controls, the fact that a site is on a local list means that it has an established value and its conservation is consequently a material consideration, as defined in paragraph 209 of the Framework.
32. The Council considered that the proposed development would have a neutral affect on heritage assets, I do not disagree.

Planning Balance

33. The Council confirm that they cannot currently demonstrate a five-year supply of deliverable housing sites. In accordance with the Framework there is therefore a presumption in favour of allowing new residential development.
34. The proposal would result in benefits in terms of providing a new home, which could be delivered quickly, in a sustainable location. The proposal would also have economic benefits through the creation of employment opportunities during the construction phase of the development and spending in the local area by future occupiers.
35. Collectively these benefits attract weight in favour of the proposal, given the shortfall in housing delivery. Notwithstanding this these benefits do not outweigh the identified harm and conflict with policy as set out above.

Conclusion

36. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR