



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: 13 November 2024

Appeal Ref: APP/J4423/W/24/3344267

Land Adjacent to 2 Moorbank Drive, Sheffield, South Yorkshire S10 5TH

- 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 Alan Qadir against the decision of Sheffield City Council.
 - The application Ref is 23/01906/FUL.
 - The development is erection of a detached dwelling with an integral basement garage including associated TPO tree removal and provision of public footpath to adjoining site.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a detached dwelling with an integral basement garage including associated TPO tree removal and provision of public footpath to adjoining site at Land Adjacent to 2 Moorbank Drive, Sheffield, South Yorkshire S10 5TH in accordance with the terms of the application, Ref 23/01906/FUL and the plans submitted with it, subject to the conditions set out in the attached schedule.

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.
3. The Council changed the description of development from that stated on the application form. In the interests of clarity, I consider that the Council's description accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.

Main Issue

4. The main issue in this appeal is the effect of the development on the character and appearance of the area and protected trees.

Reasons

5. The appeal site lies within a predominantly residential area which comprises a variety of property design and type within the area. The site is located on the junction of Moorbank Drive and Coldwell Lane. The site is currently open and overgrown with vegetation and includes four mature Sycamore trees which are

- subject to a TPO. The proposed development includes the removal of 3 protected trees on the site.
6. The proposed development would follow the established building line fronting onto Moorbank Drive, although the design of properties in the area varies the proposed development at three storey would contrast with the prevailing traditional two storey building forms of the surrounding properties.
 7. Due to the topography of the appeal site and the removal of 3 mature trees the three storey property would be prominent on this corner plot. Notwithstanding this the retention of the protected tree at the front of the site would soften the appearance of the proposed development.
 8. The existing open space is not high quality, however the trees within the site positively add to the character and appearance of the area. I observed during my site visit that the areas benefits from a number of trees along Coldwell Lane.
 9. I conclude that the proposed development would harm the character and appearance of the area and protected trees. There is conflict with Policies GE11 and H14 of the Sheffield, A City For People, Sheffield Unitary Development Plan (1998) which amongst other things seeks for developments to respect and promote nature conservation and that new buildings are well designed and would be in scale and character with neighbouring buildings.

Other Matters

10. Comments from third parties raise concern that bats and other protected species have been seen in the area. Whilst anecdotal, I note that Paragraph 99 of Circular 06/2005 which should be read in conjunction with the Framework and the Planning Practice Guidance states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It goes on to say that it:

'...is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'.

11. Planning Practice Guidance¹ states that as with other supporting information, local planning authorities should require ecological surveys only where clearly justified. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
12. The Council have not raised issue relating to the lack of an ecological survey and have considered the comments of third parties during the determination of the application. On this basis I have no substantive evidence before me which clearly justifies the provision of an ecological survey.

Planning Balance

13. The Council confirm that they cannot currently demonstrate a five-year supply of deliverable housing sites. In accordance with the Framework there is

¹ Paragraph: 018 Reference ID: 8-018-20240214

therefore a presumption in favour of allowing new residential development, paragraph 11 (d)(ii) of the Framework.

14. For decision makers this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
15. The Framework seeks amongst other things to ensure developments are of good design appropriate, sympathetic to their surroundings and that the natural environment is protected.
16. The proposed development would be viewed in the context of the suburban backdrop. The design of the proposed development is different to the prevailing character and whilst the removal of the trees would be regretful the retention of the protect tree to the front of the site would continue to contribute to the area, softening the appearance of the proposed development.
17. 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. Whilst only one dwelling this would positively contribute towards the housing supply.
18. Collectively the benefits outlined above attract significant weight in favour of the proposal, given the shortfall in housing delivery.
19. I find that the adverse impacts would not significantly and demonstrably outweigh the benefits set out above. Consequently, the presumption in favour of sustainable development applies and this indicates that permission should be granted.

Conclusion and conditions

20. For the above reasons I conclude that this appeal should be allowed.
21. I have imposed a standard condition relating to the commencement of development and a condition specifying the relevant plans as this provides certainty. In order to safeguard the character and appearance of the area I have imposed conditions concerning materials.
22. I have imposed conditions relating to the culverted watercourse which I understand crosses the site in the interest of ensuring an adequate drainage system is provided.

C Pipe

INSPECTOR

Schedule of Conditions

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan
 - Proposed Site Plan, Drawing Number: HED/822/23/a;
 - Proposed Plans and Elevations, Drawing Number: HED/822/23/b;
 - Proposed Streetscene View (Moorbank Drive) and Side Elevation, Drawing Number: HED/822/23/c;
 - Proposed Sections, Drawing Number: HED/822/23/d; and
 - Proposed Landscape View and Streetscene View (Coldwell Lane), Drawing Number: HED/822/23/e.
- (3) No development above damp proof course level shall commence until details/samples of the materials to be used in the construction of the external surfaces of the development, including boundary treatments hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- (4) 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.
- (5) No development shall commence until detailed proposals for surface water disposal, including calculations have been submitted to and approved in writing by the Local Planning Authority. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of QBar based on the area of the development. An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site.
- (6) No building or structure shall be erected within 3m each side of the centreline of the culverted watercourse.
- (7) No development shall take place until details of the culverted watercourse including a method statement to carry out a pre construction and post construction survey shall be submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out in accordance with the approved details.