



Appeal Decision

Site visit made on 10 December 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/J4423/D/24/3353557

33 Pavilion Way, Sheffield S5 6ED

- 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 Ahmad Ahmadi against the decision of Sheffield City Council.
 - The application reference is 24/02261/FUL.
 - The development proposed was originally described as 'single storey extension to side and first floor extension to side for registered disabled person.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, an updated National Planning Policy Framework (the Framework) was published, replacing the version from December 2023. I have had regard to this as an important material consideration.

Main Issue

3. The effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal relates to an end-of-terrace dwelling standing on a corner plot within an established residential estate. The dwelling has been extended in the past through a single storey addition that extends across the rear elevation and wraps partially around to the side where it stands immediately against the boundary wall.
5. It is proposed to add a first floor level above the existing extension where it extends beyond the line of the original side wall. A small area in front of the existing side addition would also be infilled with a single storey, triangular shaped addition that would follow the tapering line of the site boundary.
6. The estate shows consistency in its layout with dwellings generally set back from the edge of the road to create a sense of openness to the street scene. This setback also occurs at corner dwellings where the side elevation facing the street aligns with the front elevation of adjacent dwellings. This is the case at the appeal site where the original side elevation aligns with the front elevations of Nos 25 to 31 to the south. It is also seen opposite where the side elevation of No 14 aligns with the front elevations of Nos 16 to 22.
7. The dwelling's position on the corner, with its rear elevation facing the main thoroughfare into the estate, makes it prominent in the street scene. The existing single storey extension is readily visible, but its low height and shallow roof form

are not dissimilar to the design of the front porches of neighbouring dwellings. In these respects, the dwelling still appears integrated with the prevailing design and scale of development within the estate. This helps to maintain the estate's original, consistent layout that contributes positively to its overall appearance.

8. However, the proposed extension would add significant, high level massing extending at depth to the side of the original dwelling and beyond the line of its original rear elevation. In this offset position, the extension would appear disjointed and lacking integration with the original dwelling. Rather, the depth and height of the extension would appear physically and visually dominant, standing in front of the original building in views from the south and east and significantly eroding the legibility of the original building and its contribution to the consistency of the streetscape. It would also effectively stand on the site boundary, eroding the setback and sense of openness which exists and instead creating an overbearing effect for pedestrians passing the site.
9. The incongruous appearance of the extension would be exacerbated by the prominent and uncharacteristic rear facing gable and two new roof pitches of differing heights that would create a cluttered roofscape. Although the Council has not been as critical of the single storey element of the proposal towards the front corner, it would extend slightly beyond the line of the main front elevation, though not beyond the existing porch. However, in joining with the porch, it would create something of a wraparound effect that, coupled with the erosion of any setback from the footway, would add to the proposal's overall sense of scale and dominance.
10. In reaching a view, I note that permission was previously refused for a two storey extension at the appeal site in 2018 (Council Ref 18/03118/FUL) and the Council also refers to a decision in 2010 (Council Ref 10/02982/FUL) at 14 Pavilion Way, opposite the appeal site, where a two storey side extension was dismissed at appeal. I am not provided with the full particulars of these schemes, but I note the summation of the appeal Inspector that the proposed extension at No 14 would erode the planned sense of openness at a prominent corner, and that its proximity to the highway would create a visual incongruity that would substantially detract from the pleasant and well-ordered appearance of the estate. I find this analysis to be pertinent to the appeal scheme and that, for the reasons set out, similar adverse effects would result from the proposal before me.
11. For these reasons, I conclude that the proposal would represent poor design in a prominent position that would fail to respect the prevailing pattern of development. Therefore, the proposal would cause significant harm to the character and appearance of the area, contrary to saved Policy BE5 of the Sheffield Unitary Development Plan (March 1998), which requires extensions to respect the scale, form, detail and materials of the original building; and for new buildings to complement the scale, form and architectural style of surrounding buildings.
12. The Council also cites conflict with saved Policy IB9 due to the site being located in a Fringe Industry and Business Area. So far as the policy is applicable to a residential extension, there would be conflict with the requirement for buildings to be well designed.

Other Considerations

13. The appellant has advanced that the proposal is required to provide additional facilities for a disabled family member, including a bedroom and ground floor wetroom. However, I am provided with no specific details pertaining to the health of this family member to establish the nature and extent of any needs which may exist. I acknowledge that the additional space proposed would be advantageous to the appellant and his family. However, the evidence does not provide any detail to demonstrate the reason the additional space is needed, or that any particular health needs are only capable of being addressed by an extension of the size and form proposed. Given the lack of evidence in these respects, the argued personal circumstances of the appellant merit only limited weight in favour of the proposal.
14. The Council did not oppose the application on the basis of harm to neighbours' living conditions. I have no reasons to disagree with this conclusion; however, the absence of harm in this respect is a neutral factor weighing neither for nor against the proposal.

Planning Balance and Conclusion

15. The personal circumstances in this case have to be considered against the significant effect that the proposal would have on the character and appearance of the area. I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
16. In respect of the above, a refusal of planning permission is a proportionate and necessary approach to the legitimate aims of ensuring that the character and appearance of the area is protected. Furthermore, the protection of the public interest cannot be achieved by means that are less interfering of the human rights of the appellant and his family. Therefore, whilst I acknowledge the personal circumstances advanced in this case, I conclude that these are not matters which outweigh the harm caused by the appeal scheme, which would be permanent.
17. For the reasons set out, the appeal scheme results in conflict with the development plan, taken as a whole. I afford significant weight to this conflict. Material considerations advanced in this case are not of sufficient weight to indicate that a decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K. Savage

INSPECTOR