



Appeal Decision

Site visit made on 4 March 2025

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th March 2025

Appeal Ref: APP/J4423/W/24/3356659

244A High Greave, Sheffield S5 9GR

- 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 C Knowles of Ecco Tap Bar and Bistro Ltd against the decision of Sheffield City Council.
 - The application Ref is 24/00992/FUL.
 - The development proposed is the erection of single-storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of single-storey side extension at 244A High Greave, Sheffield S5 9GR in accordance with the terms of the application, Ref 24/00992/FUL, and subject to the attached schedule of conditions at the end of this decision.

Preliminary Matters

2. The description of development has been taken from the Council's notice of decision as it most accurately describes the proposed development, it is also the same as that specified on the appeal form. The description on the application form referred to proposed signage to the front of the appeal property, however, if applicable, this would likely require advertisement consent, not planning permission.
3. The National Planning Policy Framework (the Framework) was revised on 12 December 2024 and later amended on 7 February. As the changes do not materially affect the main issues in this case, the parties have not been invited to comment further and there would be no unfairness as a result.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and the complex of buildings it is part of, and the area; and
 - the living conditions of neighbouring occupiers, with particular regard to outlook, odour, and noise and disturbance.

Reasons

Character and appearance

5. The appeal site comprises a single storey building, partly having an irregular shape, reflecting its corner location, it has a flat roof and is said to be used as a cafe bistro, with outside seating in front of it. The appeal property is attached to a much altered two storey building, which is understood to have a commercial use at ground floor and residential accommodation at first floor. On the opposite side of the building is a forecourt and building used in association with a car sales business. The surrounding properties are mainly residential, and the front of the appeal site is located at the junction between High Greave and Tunwell Avenue, with its side boundary adjoining the pavement along Tunwell Avenue, and beyond its rear side is the junction between Strawberry Avenue and Tunwell Avenue. No.1 Strawberry Avenue, a semi-detached property adjoins the boundary of the appeal site.
6. The proposed extension would be located behind an existing single storey part of the building, with a matching but lower flat roof design. It would not be positioned in front of no. 1 Strawberry Avenue, and it would also be set in from the edge of the existing building on the side facing onto Tunwell Avenue, and it would have a regular and rectangular footprint. Its modest scale, discrete rear location, simple design and low roof height would ensure that the proposed extension related sympathetically to the existing building it is attached to.
7. It would be unreasonable to expect the sides of the proposal to taper to reflect the irregular shape of the existing building, and such amendments could make the proposal much more prominent within the immediate area. Its limited size and scale would not constitute an over development of the site.
8. Moreover, given the altered appearance of the complex of buildings it would be attached to, the proposed minor addition on what would be the rear of the building, would ensure that it would not appear to be dominant or harmful to the character and appearance of these buildings. In addition, its small scale and low roof height would not unbalance the appearance of the complex of buildings it would be attached to.
9. Due to the location of existing buildings, the proposal would not be visible from High Greave. Although there would be some views of it from Tunwell Avenue and Strawberry Avenue, it would be seen in the context of the existing flat roof building, and very much as a subordinate addition. Furthermore, from Strawberry Avenue, the existing planting and boundary treatment between it and no.1 Strawberry Avenue would minimise views of it ensuring it would not be harmful to the character and appearance of the area.
10. I therefore conclude that the proposed development would have an acceptable effect on the character and appearance of the host property, the complex of buildings it is part of, and the area, and comply with Policies BE5 and H14 of the Sheffield Unitary Development Plan, dated March 1998 (UDP) and Policy CS74 of the Sheffield Development Framework Core Strategy adopted March 2009 (CS) that amongst other things, require new development, including extensions to be high quality, and complement the scale and form of the original and neighbouring buildings.

11. The Council referred to UDP Policy S7 in its notice of decision, that policy is mainly concerned with the principle of uses in local shopping centre areas, as such I did not find it to be directly determinative on this main issue.

Living conditions

12. The nearest residential occupiers that are most likely to be affected by the proposed development would be at no. 1 Strawberry Avenue and the first-floor residential accommodation within the adjoining building (which is said to have private amenity space adjoining one side of the proposed extension).
13. I saw on my site inspection that there was already an existing tall fence between the appeal site and what would be the private amenity space of the adjoining first floor flat. The proposed single storey extension would not be much taller than the existing fence, and its position and modest scale, would not be overbearing, unacceptably enclosing or harmful to the outlook for the adjoining occupiers of the first floor flat. Regarding no. 1 Strawberry Avenue, there was a generous space between the proposal and its side elevation, which included an area used to park cars. The separation distance along with the existing boundary treatment would ensure there would be no overbearing or harmful effects on the outlook for the occupiers of no. 1.
14. It is noted that a door is proposed on the elevation facing Tunwell Avenue and a window on the elevation facing no. 1. With the new extension being for a new kitchen serving the existing bistro café, it would not be unreasonable to require by condition that the window does not open except in emergencies and that the door is not used by customers or kept open for ventilation, to protect neighbouring occupiers from possible cooking smells and potential noise and disturbance.
15. In addition, the proposed extraction unit, shown to vent onto the roof away from nearby residential properties, could also be the subject of a suitably worded condition to ensure its design and specification would not cause unacceptable noise, disturbance, and odour to neighbouring occupiers. Subject to the above conditions and noting the existing flue on the property and the separation distances, the proposal would not be harmful to the living conditions of the neighbouring occupiers of no.1 and the adjoining first floor flat due to potential noise, disturbance, and odour.
16. I am also satisfied that there would be no harmful effects on the living conditions of other nearby occupiers from the proposal, given the conditions referred to above and their distances from the appeal site.
17. I therefore conclude that subject to suitably worded conditions, the proposal would not be harmful to the living conditions of neighbouring occupiers, and it would comply with UDP Policy H14, that amongst other things requires new development in housing areas to not cause occupiers to suffer from unacceptable air pollution, noise, or other nuisance.

Conditions

18. A standard implementation condition has been imposed, along with a condition listing the approved plans to provide certainty over what has been approved. In addition, a condition is also necessary to ensure the external materials harmonise with the character and appearance of the property.

19. To protect the living conditions of neighbouring occupiers from noise and odour from the use of the new kitchen, conditions are necessary to agree the ventilation system, ensure the new window is not capable of being opened (save in respect of emergencies), that the new door is not used for ventilation or customer access, and to prevent any additional windows or other new external plant or machinery being installed on the elevations of the extension hereby approved.
20. The Council has recommended conditions regarding hours of operation and delivery times. However, as the proposal relates to a single storey kitchen extension to an existing use, it would not be necessary or reasonable to impose those conditions.

Conclusion

21. The proposed development accords with the development plan when taken as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above, I conclude that the appeal should be allowed.

A Hunter

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, and drawing no's FL23/145/1; FL23/142/4; and FL23/145/5.
3. Prior to any works above foundation level, full details of the proposed external materials to be used on the approved extension shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.
4. Prior to the installation of the extraction/ventilation system onto the new roof, its exact details and specification, including a scheme to protect the occupiers of neighbouring residential properties from odour and noise, shall first have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
5. No other means of extraction/ventilation other than that agreed by condition 4 shall be fitted to the building unless full details thereof, including a scheme to protect neighbouring residential occupiers from unacceptable noise and disturbance, has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.
6. The window shown on approved drawing no. FL23/142/4 shall not be openable, except in emergencies, with its exact details, including method of emergency opening, submitted to and approved in writing by the local planning authority prior

to its installation. The development shall thereafter be undertaken in accordance with the approved details and there shall be no other window openings created in the external walls of the extension hereby approved.

7. The new external door shall not be opened for the purpose of ventilation or access/egress by customers, except in emergencies.