
Appeal Decision

Site visit made on 12 March 2025

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2025

Appeal Ref: APP/J4423/C/24/3338803

344 Sharrow Vale Road, Sheffield, S11 8ZP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr A Likaj against an enforcement notice issued by Sheffield City Council.
 - The notice was issued on 17 January 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a first floor extension, external stairway to the front of the building and railings and balustrade thereto at 344 Sharrow Vale Road, Sheffield, S11 8ZP as shown in the photographs below.
 - The requirements of the notice are to:
 - (i) Remove the first floor glass extension (shown on the attached photos 1 and 2);
 - (ii) Remove the external staircase, balustrade and railings thereto (shown on the attached photo 1);
 - (iii) Remove from the Land any materials arising from compliance with paragraph 5(i) and 5(ii); and
 - (iv) Make good any damage to the Land as a result of compliance with paragraph 5(i) and 5(ii)
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published in December 2024. This does not raise any matters that require me to seek representations from the main parties in this case. I have, however, determined the appeal having regard to the revised Framework.

Ground (a) appeal and the deemed planning application

3. An appeal on ground (a) is that planning permission ought to be granted. The main issues in this case are the effect of the development on the character and appearance of the host building and the surrounding area; and the effect on the living conditions of neighbouring occupiers, with regard to noise and disturbance.

Reasons

Character and appearance

4. The appeal site is a two storey building which is used as a restaurant. It is located on the northern side of Sharrow Vale Road at the junctions with Steel Road and Cowlshaw Road. The site is within an area defined as a Housing Policy Area in the

development plan, which comprises the Sheffield Unitary Development Plan 1998 (the UDP) and the Sheffield Development Framework Core Strategy 2009 (the CS).

5. The host building has a simple and traditional form which reflects the character of the area. It is constructed in red brick with a pitched roof and includes a single storey extension to the side gable. There is a large glazed frontage at ground level and some signage and canopies to the front of the building, which is set back slightly from Sharrow Vale Road. The existing single storey side extension is a flat roofed structure, the top of which was secured by timber fencing. The form and design of this extension does not make a positive contribution to the building or the street scene. That said, it is a modest, unassuming structure which does not unduly detract from the area.
6. The surrounding area has a mixed character comprising traditional terraced houses and commercial premises, including a variety of retail units, some with flats above. The terraces are characterised by pitched slate roofs and are faced in red brick. The glazed shop fronts of the retail premises and the activity associated with them provides a vibrant character. Properties are arranged on linear building lines, with a strong street scene presence, which contributes positively to the area's character.
7. The enforcement notice relates to a first floor extension which has been erected above the existing side extension, together with an external staircase and railings painted black at the front of the building. Retrospective planning permission was sought for the development, but it was refused by the Council in December 2023¹.
8. The new extension comprises a metal frame and glazed windows and roof. It therefore has the appearance of a conservatory positioned at first floor level. It occupies an elevated and highly prominent position and is clearly visible along Sharrow Vale Road, and from Steel Road and Cowlshaw Road. Although it is set below eaves level and achieves a degree of subservience to the original building, it does not fit neatly against the gable end but projects beyond the rear of it, resulting in an awkward junction, and the lean-to roof has a jarring effect when viewed alongside the traditional gable. While the dark colour of the frame is recessive, the lightweight and transparent design of the extension sits uncomfortably against the solid and robust appearance of the host building and the nearby terraced properties.
9. While conservatories are common in many residential areas, they are usually discreetly sited at the rear of properties at ground floor level. There are large areas of glazing to the shop fronts of nearby retail premises and to the frontage of the host building, but as these are situated at ground level, they do not provide justification for the siting and design of the extension. While I acknowledge that the site is not within a conservation area, the development nevertheless detracts from the character of the building and the street scene.
10. The adverse effect of the extension is exacerbated by the external staircase which provides access to it. It cuts across the front of the building including a ground floor window, which it partly conceals. The staircase and railings are prominently sited and are uncharacteristic and unexpected features given that other properties in the area do not have external staircases to the front.
11. The appellant has referred to other extensions to properties in the wider area, including the Peak Sports Bar and Diner, the Lescar public house and 516 Ecclesall

¹ Council Ref. 23/03001/FUL

Road. However, in terms of design and context these are not directly comparable to the appeal development, which I have determined on its own merits.

12. I therefore conclude that the development harms the character and appearance of the host building and the surrounding area. It conflicts with Policies BE5 and H14 of the UDP and Policy CS74 of the CS. Among other things, these policies seek to ensure that development is well designed and respects the scale, form, detail and architectural style of the building and surrounding buildings. It also conflicts with the Framework, including paragraph 135, which requires development to be visually attractive as a result of good architecture and be sympathetic to local character.

Living conditions of neighbouring occupiers

13. There are several residential properties located close to the appeal site, including those at 328 and 343 Sharrow Vale Road, and 19 and 20 Meadow Terrace. Sharrow Vale Road is a relatively busy highway which includes several retail premises and some restaurants which are open at night. As such, a degree of noise from passing traffic and pedestrians would be expected in this area.
14. The submitted plans indicate that the new extension would provide seating for around 16 customers, though the appellant says that they do not intend to serve food within it. Nevertheless, it would be capable of seating a relatively large number of customers. These would have the potential to generate noise and disturbance due to the elevated position of the structure and its proximity to residential properties.
15. Given the retractable roof and sides of the extension, and its lightweight materials, it is unlikely to have adequate sound attenuation properties. It would not, therefore, fully reflect noise back towards the source or adequately mitigate the potential noise impact. Moreover, it is likely the sides and roof will be open for prolonged periods during warmer weather, such that noise from customers would be more pronounced, particularly as the neighbours are more likely to have their windows open during those times. The impact is potentially most intrusive during the evening when residents can reasonably expect a certain level of peace and quiet.
16. The Council's Environmental Protection Service did not raise an objection on noise grounds, subject to conditions. These include a requirement that the windows be kept closed between 9pm and 9am, and controls on the playing of amplified sound including validation testing to ensure that specified noise levels are achieved. However, this would still allow the windows of the extension to be open for a large part of the day and into the evening, and keeping them shut would not likely be feasible during warmer weather due to overheating. Controls on amplified sound would not address loud conversations between customers at this high level. These conditions would not, therefore, sufficiently mitigate the negative impacts identified.
17. The appellant suggests that the single storey side extension has historically been used as a rooftop terrace. However, there is no indication that it has been used as a seating area in association with the restaurant and, if so, to what extent. This does not, therefore, justify the harm I have identified to the neighbours' living conditions.
18. For the above reasons, I conclude that the development is harmful to the living conditions of neighbouring occupiers, with particular regard to noise and disturbance. In this respect, the development conflicts with Policy H14 of the UDP which, among other things, requires that development does not lead to noise

nuisance. It also conflicts with paragraph 135 of the Framework where this requires a high standard of amenity for existing and future users.

Other matters

19. The appellant contends that the development ensures that the site does not become vacant, neglected and a security risk. However, there is no evidence before me to show that the development is the only solution to securing these benefits.
20. While I acknowledge that the development supports the operation and expansion of the business, with associated minor economic benefits to the area, I can attach only limited weight to this matter given the modest scale of the development. Consequently, it does not outweigh the harm I have identified and the conflict with the policies I have referred to.
21. The policies of the UDP and the CS pre-date the Framework. However, the Framework explains that they should not be considered out-of-date simply because they were adopted prior to its publication. The Council cannot currently demonstrate a four-year supply of housing. However, the development does not relate to the provision of new housing. In their aims to promote high quality design and protect nearby residents from noise and other nuisances, Policies BE5 and H14 of the UDP and Policy CS74 of the CS are broadly consistent with the Framework. I have therefore given these policies, and the conflict with them, significant weight.
22. Comments made by third parties in support of the unauthorised works have been taken into account but do not alter the conclusions reached in this decision.

Conclusion

23. The development is harmful to the character and appearance of the host building and the surrounding area, and the living conditions of neighbouring occupiers, with particular regard to noise and disturbance. Therefore, the development conflicts with the policies identified above, and the development plan as a whole, and there are no other considerations to indicate that I should take a different decision other than in accordance with this.
24. I conclude that the appeal on ground (a) should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

M Ollerenshaw

INSPECTOR