



Appeal Decisions

Site visit made on 15 April 2025

by **H Smith BSc (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th May 2025

Appeal A Ref: APP/J4423/W/24/3358184

117 Upperthorpe Road, Sheffield S6 3EA

- 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 Hakeem Ali Nagi against the decision of Sheffield City Council.
 - The application Ref is 24/02812/FUL.
 - The development proposed is described as the 'removal of security grills and shutters from side extension. Installation of planters around extension. Installation of temporary storage container. Storage container to be painted green. Installation of timber boundary fence; fence to be stained green. Installation of seating area (garden benches) to form smoking area within garden. Installation of ornamental garden area.'
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Appeal B Ref: APP/J4423/Y/24/3358185

117 Upperthorpe Road, Sheffield S6 3EA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Hakeem Ali Nagi against the decision of Sheffield City Council.
 - The application Ref is 24/02813/LBC.
 - The works proposed are described as the 'removal of security grills and shutters from side extension. Installation of planters around extension. Installation of temporary storage container. Storage container to be painted green. Installation of timber boundary fence; fence to be stained green. Installation of seating area (garden benches) to form smoking area within garden. Installation of ornamental garden area.'
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Decisions

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed.

Preliminary Matters

3. As the proposal relates to a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
5. A revised National Planning Policy Framework (Framework) was published in December 2024 after the Council made its decisions. I have had regard to the revised Framework in reaching my decisions.
6. The appeals partly relate to development and works that have already been implemented on site, such as the storage container and the timber boundary fence. I have determined these appeals on this basis and with regard to the plans

before me. Having visited the site, I am satisfied that the plans appear to accord with what is on the ground. However, I have removed the word 'retrospective' from the banner heading above, as this is not a description of development and works.

7. The Council states that the applicant sought full planning permission to change the use of the building into a private function hall that omitted the unauthorised side extension from the application. This was approved in November 2023, under planning application Ref: 23/01802/FUL.

Main Issues

8. A main issue in Appeal A and the main issue in Appeal B is:
 - whether the proposal would preserve the Grade II listed building, or its setting, or any features of special architectural or historic interest which it possesses.
9. Additional main issues in Appeal A are:
 - whether the proposal would make adequate provision for car parking;
 - the effect of the proposal on the living conditions of neighbouring occupiers, with regard to noise and disturbance.

Reasons

Special interest and significance

10. The appeal site relates to a two-storey Grade II listed¹ building at 117 Upperthorpe Road (No 117), situated on a prominent corner plot. The listed building dates from the 1840s, with late 20th century alterations and additions. It is constructed from red brick with stone dressings and a hipped slate roof. The front elevation comprises 5 large timber sash windows, first floor band, and central Ionic portico, with panelled door and lattice overlight. The side elevation facing Oxford Street also has a first-floor band, 3 plain sash style windows and several blank windows. The building is identified as having Group Value.
11. To the rear and partially to the side of the building is an existing single storey flat roofed extension built during the 20th century. To the building's side elevation facing Oxford Street there is a modern flat roofed single storey side extension, which the Council state is unauthorised. This modern extension has a series of upvc doors including a fire exit double door and upvc windows within its side elevation that are secured by box roller shutters and/or metal grills. Its elevation facing towards Upperthorpe Road has a further three small upvc windows installed. Despite these later additions, the principal listed building still dominates the site and its setting is enhanced by its elevated position overlooking Upperthorpe Road and its boundary treatment of rustic brick walls and metal railings.
12. I find that the special interest and significance of this heritage asset largely derives from its historic and architectural interests. These are drawn from its illustration of a former high status town house, as well as its age, form, historic fabric, and architectural features that survive from the physical origins of the original building, connecting the past character and interest of the building to the present.

¹ List Entry Number: 1247457

Proposal and effects

13. To the right of the appeal site's entrance, adjacent to the modern single-storey side extension, stands a large storage container. This substantial, solid structure is situated within the setting of the listed building. Its utilitarian design and considerable scale, including length and height, make it a prominent feature that contrasts sharply with the traditional character of the listed building. As a result, it is highly visible from Oxford Street and draws attention away from the historic features of the listed building. This undermines the authenticity and integrity of the heritage asset.
14. The appellant suggests that the storage container would be temporary and intends to paint it green. However, as the container is made of enduring materials, it is likely to remain on the site for as long as it is required and would therefore become a fixture of some considerable permanence. It would also cause harm when in situ. Painting it green would do little to resolve this issue.
15. Adjacent to the site's entrance, timber close-board panel fencing has been installed, supported by concrete posts and concrete base panels. Although the use of wood introduces a natural material, the fencing's bright colour, combined with the visible concrete elements and its prominent placement, results in a visually intrusive and discordant feature. It sits uncomfortably alongside the established character of the listed building and contrasts with the site's existing boundary treatments, which predominantly consist of brick walls and metal railings. Consequently, it has a harmful impact on the setting of the listed building.
16. While the timber fencing would weather over time and a condition could be imposed were I to allow the appeal requiring the wood to be painted or treated, this would not address the harm arising from its positioning and form which is obtrusive within the setting of the listed building.
17. The proposal would remove the security grills and shutters from the single storey side extension. However, the upvc windows and their thick frames would still be evident, as well as the poor-quality and incompatible brickwork which has a damaging effect on the significance of the listed building. The extension's overall size and bulk would also remain. Therefore, the removal of the security grills and shutters would not address the extent of the harm identified to the listed building.
18. I have also considered whether the proposal could be improved by the installation of planters around the single storey side extension, and the installation of an ornamental garden area and outdoor seating. However, due to the vehicular site entrance, there appears to be little scope for planters around the extension. Moreover, I do not have a detailed scheme before me to demonstrate what improvements could be secured. In these circumstances, I am not persuaded that the harm could be addressed with a planning condition requiring landscaping.
19. Given the above, the proposal would not preserve the listed building, or its setting, or any features of special architectural or historic interest which it possesses. In doing so, it would harm the significance of the designated heritage asset.

Public benefits and balance

20. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should

be assessed. Given the extent and fairly localised nature of the proposal, I find that the harm to the significance of the designated heritage assets assessed above would be 'less than substantial' but nevertheless of considerable importance and weight. Paragraph 215 of the Framework requires this harm to be weighed against the public benefits of the proposal, including where appropriate, securing the asset's optimum viable use.

21. The development and works are clearly beneficial to the appellant's business. However, this would be a private benefit rather than a benefit to the public at large. Economic benefits would be delivered through the construction phase and the general investment into the property. The building would also remain in community use. These are all modest public benefits.
22. Nevertheless, I am not persuaded that the only way of securing the benefits identified would be via the appeals proposal. Additionally, it has not been demonstrated that the property would not be usable or viable in its current use or that its future would be at risk if the appeals were to fail and the development and works as proposed were not implemented. In these respects, the identified harm to the significance of the listed building has not been clearly and convincingly justified as required by paragraph 213 of the Framework.
23. On balance, in giving considerable importance and weight to the harm to the significance of the listed building, I find that this would not be outweighed by the small public benefits arising from the proposal.
24. I conclude that the proposal would not preserve the listed building, or its setting, or any features of special architectural or historic interest which it possesses. It would therefore fail to satisfy the requirements of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. It would also conflict with Policies HE14 (part a), BE5 (part c), BE15 and BE19 of the Sheffield Unitary Development Plan (UDP). Collectively, these policies, amongst other things, seek to ensure heritage assets are preserved and enhanced, and developments are well designed.

Car parking

25. The Council is concerned that the proposal would limit the amount of parking available on the appeal site. The proposal would include an ornamental garden, planters, and an outdoor seating area. The submitted plans show that these areas would be located on the hardstanding area currently used for car parking. This would therefore reduce the number of parking spaces on site. The siting of the storage container already on site would further exacerbate this issue.
26. The amount of available car parking in connection with the use of the site as a function room is already below the level that the Council consider to be acceptable. I observed during my site visit parking restrictions on the roads in the locality, which included double yellow lines and street parking for permit holders only. Any additional parking pressure could cause inconsiderate on-street parking in the controlled zones or cause an obstruction to the free flow of traffic and pedestrians on the carriageway and footways. This would compromise highway safety.
27. In view of the above, a greater level of detail on the parking demand generated from the proposal would be required. In its absence, it is not possible to ascertain

whether the proposal would have the capacity to accommodate the traffic generated by the building's use, or whether the proposal would result in on-street parking demand.

28. Accordingly, based on the limited evidence before me, I consider that the proposed development could have an adverse impact on highway safety. As such, it would fail to accord with Policy H14 (part d) of the UDP. Amongst other things, this policy seeks to ensure developments do not cause unacceptable levels of harm to highway safety.
29. In addition, the proposal would fail to accord with paragraph 115 of the Framework, which seeks to ensure that safe and suitable access to the appeal site can be achieved for all users. It would also fail to accord with paragraph 116 of the Framework, which states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.

Living Conditions

30. The proposal would include an outdoor seating area with three garden benches, which would be situated towards the front of the appeal site. The use of the seating area and the comings and goings from it, particularly late at night, has the potential to generate noise and disturbance. This noise would also be occurring at unsociable hours.
31. This could lead to noise and disturbance to the neighbouring occupiers. Therefore, I am not satisfied that the proposal would not result in noise and disturbance to neighbouring occupiers. Consequently, the proposal would fail to accord with Policy H14 (part K) of the UDP, which amongst other things, seeks to ensure developments do not lead to noise or nuisance for people living nearby. In addition, it would fail to accord with paragraph 135 of the Framework, which seeks to ensure a high standard of amenity for existing and future users.

Other Matters

32. The appellant indicates that the timber fencing replaced a wall that was in a state of disrepair and at risk of falling. However, there is no evidence of this before me, nor is there any reason given as to why a replacement brick wall could not be built.
33. The appellant states that the building historically operated as a public house with late night discos and functions and a beer garden. Nevertheless, for this particular case, the proposal would not be appropriate for the reasons given.

Conclusions

34. **Appeal A:** The proposed development would conflict with the development plan when taken as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.
35. **Appeal B:** For the reasons given, I conclude that Appeal B should be dismissed.

H Smith

INSPECTOR