



Appeal Decision

Site visit made on 7 May 2025

by **M Ollerenshaw BSc (Hons) MTPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27th May 2025

Appeal Ref: APP/J4423/C/24/3346603

39 Handsworth Road, Sheffield, S9 4AA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Melika Malfazi against an enforcement notice issued by Sheffield City Council.
 - The notice was issued on 21 May 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the provision of two front dormer windows (projecting above the roof plane shown within the attached photo).
 - The requirements of the notice are to:
 - (i) Remove the dormer windows from the front roof plane.
 - (ii) Reinstate the front roof plane to its former condition prior to the breach using matching materials.
 - (iii) Remove from the Land any waste materials arising from compliance with paragraphs 5(i) and 5(ii) above.
 - 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.

The ground (a) appeal

3. The appeal on ground (a) is that planning permission ought to be granted in respect of the breach of planning control constituted by the matters stated in the notice, that is “the provision of two front dormer windows”.
4. Planning permission was sought for two front dormers of differing design to those that have been constructed but this was refused by the Council¹. The appellant did not appeal against that decision and it is not before me for consideration.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the host building and the surrounding area.

¹ Council ref. 23/02354/FUL

Reasons

6. The appeal site is a two storey, mid-terraced building situated in a short row of properties fronting onto Handsworth Road. The property is occupied by a hot food takeaway at ground floor level with living accommodation above. It includes a large display window with a fascia sign and two windows above to the front elevation, the remainder of which is faced in white uPVC cladding, and it has a shallow pitched roof clad in grey tiles. The neighbouring properties on either side are also in commercial use at ground floor with residential uses above.
7. The surrounding area is of mixed residential and commercial character. The western side of this stretch of Handsworth Road is predominantly characterised by two storey semi-detached houses, with a variety of commercial premises on the eastern side. Although the houses are of varied styles, there is some uniformity to the street scene due to linear building lines and regular gaps between properties, together with design features such as bay windows, gable ends, and hipped roofs, and consistency of external materials comprising brick or render walls and tiled roofs. Properties generally have symmetrical roofs which are largely unbroken save for chimney stacks, and occasionally roof lights and front gable features.
8. The unauthorised dormer windows on the host building, whilst being set slightly below the ridge, back from the eaves, and in from the sides of the roof, nevertheless protrude significantly from the front roof slope of the building and are a noticeable feature of its roofscape, being prominent in both directions along Handsworth Road. They contrast with the unbroken roof of the remainder of the terrace, thereby resulting in an asymmetrical appearance to its roof. Moreover, they are uncharacteristic additions to the street scene in which there are only a small number of front dormers, with very few on this stretch of Handsworth Road.
9. Although the white cladding used to the cheeks of the dormers is a good match to the cladding to the facade of the building, it does draw attention to them due to the contrast with the grey roof tiles against which they are seen. A further jarring feature is the way that the dormers do not precisely align with the windows below. The left-hand dormer does not match the width of the first floor window below, with a smaller gap between the dormers than there is between the first floor windows, contrary to Guideline 2 of the Council's Designing House Extensions Supplementary Planning Guidance. Whilst the dormers are slightly smaller than those refused previously permission, I nevertheless find that they dominate the front roof slope and are incongruous.
10. The appellant has sought to justify the development by reference to other dormer windows in the area. However, these are not identical to it, and some are uncharacteristic of the area's prevailing character and thus do not justify the harm arising from the appeal scheme, which I have considered on its own merits. Those at Main Road are some distance away and are not seen in the same context as the site. The dormer at 59 Handsworth Road is of a different siting and design to the appeal proposal, being located on the side roof slope and clad in a grey material. The dormers at 74 and 76 Handsworth Road are smaller than those at the appeal site, appear to be original design features and are evenly spaced to the front roof slope which gives a balanced appearance to the semi-detached pair. Those at 90 and 92 Handsworth Road are also smaller and less obtrusive additions.

11. The development approved at 48 Handsworth Road² included a single front dormer window which has not been constructed. It is not directly comparable to the appeal scheme in that, in terms of design and overall size, the approved dormer would not dominate the steep pitched roof of the semi-detached house. Thus, it does not provide compelling justification for the appeal scheme.
12. I have regard to the appeal decision at 283-285 Shoreham Street³. However, that case does not appear to be directly comparable to the appeal scheme as it was for a rear dormer in an area where the Inspector found dormers to be a highly prevalent feature, which I do not consider to be the case here.
13. For these reasons I conclude that the development is harmful to the character and appearance of the host building and the surrounding area, in conflict with Policies S10, BE5 and H14 of the Sheffield Unitary Development Plan 1998 and Policy CS74 of the Sheffield Development Framework Core Strategy 2009. Amongst 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 those surrounding it. It also conflicts with paragraph 135 of the Framework, which requires development to be visually attractive and sympathetic to local character.

Other Matters

14. Whilst the development does not have a harmful effect on the living conditions of neighbouring occupiers, this is effectively a neutral consideration and does not weigh in favour of the scheme.

Conclusion

15. 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.
16. 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

² Council ref. 18/03508/FUL

³ Appeal ref. APP/J4423/C/23/3327003