



Appeal Decision

Site visit made on 18 June 2025

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 JUNE 2025

Appeal Ref: APP/J4423/C/24/3350356

1 Havelock Street, Sheffield, S10 2FP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Naeem Ghafoor against an enforcement notice issued by Sheffield City Council.
 - The notice was issued on 16 July 2024.
 - The breach of planning control as alleged in the notice is without planning permission, external wall installation and render have been applied to the dwellinghouse (shown within the attached photographs).
 - The requirements of the notice are to (i) remove the external wall insulation, render and window balustrades, and all fixing methods and cement bonding from the dwelling from the three elevations shown on the photographs below, (ii) make good/repair the brickwork, stone cills and lintels using materials which match those at the adjoining terrace property at 113 Broomspring Lane, (iii) remove from the Land any waste materials arising from para 5(i) to (ii).
 - The period for compliance with the requirements is six months from the date this notice takes effect.
 - 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. It is directed that the enforcement notice is corrected by the deletion of the words "*Without planning permission, external wall insulation and render have been applied to the dwellinghouse (shown within the attached photographs)*" in section 3, and their substitution with the words "*Without planning permission, external wall insulation, render and window balustrades have been applied to the dwellinghouse (shown within the attached photographs)*". Subject to the correction, the appeal is allowed insofar as it relates to the external wall insulation and render and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended), for the external wall insulation and render at 1 Havelock Street, Sheffield, S10 2FP subject to the following condition:
 - i) The operations hereby permitted shall be removed and all materials resulting from the removal of the permitted operations shall be removed from the land within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme specifying (a) the colour of paint to be applied to the render, and, (b) the provision of stone cills and lintels to reflect what existed on the property prior to the breach of planning control occurring, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within

the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2. The appeal is dismissed, and the enforcement notice is upheld as corrected insofar as it relates to window balustrades and planning permission is refused in respect of window balustrades at 1 Havelock Street, Sheffield, S10 2FP on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Preliminary Matter

- 3. The National Planning Policy Framework was revised in December 2024 and subsequently amended in 2025 (the 2025 Framework). This replaces the previous version of the National Planning Policy Framework published in December 2023. The 2025 Framework has not materially changed in terms of the consideration of the ground (a) appeal main issue below.

The Notice

- 4. The breach of planning control refers to *“Without planning permission, external wall insulation and render have been applied to the dwellinghouse (shown within the attached photographs)”*. The requirements of the notice state *“(i) Remove the external wall insulation, render and window balustrades, and all fixing methods and cement bonding from the dwelling from the three elevations shown on the photographs below”*. The breach of planning control does not refer to window balustrades. Notwithstanding this, it is noteworthy that the window balustrades are referred to in the reasons for issuing the notice. Moreover, both the appellant and the local planning authority (LPA) have referred to them as part of their ground (a) appeal reasoning. Third parties also refer to the window balustrades.
- 5. In this case, I am satisfied that the breach of planning control could be corrected, without injustice being caused, so that it reads *“Without planning permission, external wall insulation, render and window balustrades have been applied to the dwellinghouse (shown within the attached photographs)”*. I shall accordingly correct the breach of planning control and the deemed planning application on ground (a) of section 174(2) of the Act is considered as such.

Main Issue

- 6. The appeal made on ground (a) of section 174(2) of the Act is that planning permission ought to be granted in respect of the corrected breach of planning control alleged in the notice. I have considered the reasons for issuing the notice

and the main issue is whether the development preserves or enhances the character or appearance of the Hanover Conservation Area.

Reasons

7. Hanover Conservation Area (CA) is in the suburbs of Sheffield approximately 1km southwest of the city centre. The CA has a wholly urban setting and contains very few open spaces. It is comprised of three separate and distinct areas: Glossop Road, Wilkinson Street and Broomspring Lane form the main body of the CA; Gell Street (west side) was severed from the main area by the late 20th century ring road, and Hanover Square, made up of about fifteen 19th century houses and a church, all listed buildings.
8. The special interest and significance that justifies the designation of the CA as a whole comes from some of the following features: the historic 19th century street pattern and overall unity of the architecture; the two Gothic listed stone churches of St Andrew's and St Silas; the architectural and historical quality of many individual listed buildings; a former 19th century grinding hull and cutlery forge; large roadside trees, i.e., Wilkinson Street; historic floors, natural stone kerbs and cobbled streets; and stone piers, gate posts and iron street signage.
9. The appeal property is positioned on the corner of Havelock Street (the rest of this street falls outside the CA boundary) and Broomspring Lane. This part of the CA includes mainly brick built terraced dwellinghouses with stone cills and lintels, although there is another rendered property within the same terrace of buildings and one on the corner of Broomspring Lane with Brunswick Street, both of which are also within the CA, coupled with several rendered dwellinghouses in Havelock Street albeit just outside the CA boundary. Some of the dwellinghouses in Broomspring Lane have imposing ground floor bay windows. The mainly linear pattern of development along Broomspring Lane includes frontage garden areas with mainly dwarf stone walls, some of which also include railings. Overall, there is a pleasing design synergy to the character and appearance of this part of the CA which adds positively and distinctively to the significance of the CA as a whole.
10. The appeal property falls within a wider terrace of dwellinghouses in Broomspring Lane, most of which are almost identical in appearance. However, the appeal property is positioned at the end of the row of terraced properties and is larger than the other mid-terraced dwellinghouses. Like the property at the other end of the terraced block in this part of Broomspring Lane, it differs in terms of its proportions and design and has been rendered. While I accept that prior to the property being rendered, it had brick walls, I do not find that in the context of the other end of terrace property, which has also been rendered, the rendering to the appeal property has caused harm to the significance of the CA. Indeed, the appeal property is distinctively different to the other mid-terraced properties and its rendering has simply provided a balancing to the terraced block as a whole in so far as creating two rendered 'book ends'. In this regard, I find that the rendering is experienced as being complementary.
11. While I acknowledge that Havelock Street is just outside the CA, the rear and side of the rendered appeal dwellinghouse is seen in the context of this street and where there are several other nearby terraced properties which have also been rendered. In this regard, I do not find that the rendering to the appeal property is seen as being incongruous or out of place. Indeed, and, in this context, it could not

reasonably be said that views into the CA from Havelock Street have been harmed. In this regard, I also do not consider that harm has been caused to the setting of the CA.

12. Overall, I therefore find that the rendering of the property is acceptable in principle. Indeed, there are a set of unique circumstances which mean that allowing the rendering to be retained would not set an undesirable precedent which would make it difficult for the LPA to resist the loss of or covering over of brickwork to other properties in the CA which, in turn, may materially harm the character and appearance of this part of the CA.
13. Notwithstanding the above, the render has been finished in a very bright white colour. This appears harsh and jarring when seen against the more muted colours and tones of the other nearby buildings. I find that if the render were painted in a different colour, which better reflected the more muted tone of the brickwork used in respect of other surrounding dwellinghouses, it would then better assimilate into its surrounding environment. A condition could be imposed requiring the existing render to be painted in a different colour. In the absence of such details being approved and/or not being lawfully implemented within a specified time, I conclude that the existing rendered colour would cause harm to the character and appearance of the CA.
14. It is noteworthy that stone cills and lintels are no longer in place on the appeal building. The evidence is that stone cills and lintels did exist on the appeal property prior to the breach of planning control occurring. The provision of stone cills and lintels are positive and distinctive features in the CA, particularly in Broomspring Lane. In this case, I find that the rendering would be acceptable in the context of the former stone cills and lintels being reinstated. Stone cills and lintels would break up the rendered walls in a sympathetic way and would be reflective of the design of the other properties that exist in this area. This is a matter that could be controlled by condition.
15. The window balustrades are imposing and out of character additions when experienced by passers-by. They are not a design feature that prevails in the CA, or indeed in Havelock Street. Owing to their design and prominent position, I find that they have a jarring impact when experienced in the CA and Havelock Street. They do not preserve the character and appearance of the CA and are experienced as being materially at odds with the otherwise simpler and flush fenestration details that predominate in respect of the consideration of surrounding dwellinghouses in the locality.
16. For the above reasons, I conclude that while the rendering has preserved the character and appearance of the CA, subject to the imposition of a condition relating to its colour, the window balustrades have nonetheless failed to preserve the character and appearance of the CA. In respect of the latter and having regard to paragraph 215 of the 2025 Framework, I find that less than substantial harm has been caused to the significance of the CA.
17. I recognise that prior to the breach of planning control occurring, the property was empty for some fifteen years and had a somewhat neglected appearance. I understand that the Council compulsorily purchased the property and subsequently sold it to the appellant via an auction in 2023. I note the supportive comments made by other interested parties who feel that the development has, in relative

terms, resulted in an improved environment for the community and draw attention to the fact that the renovation works have brought the property back into use. I also note the comment made by the appellant and other interested parties about the energy efficiency benefits associated with the new insulation.

18. I find the rendering to be acceptable, in any event, even without the consideration of public benefits. I am not entirely sure from the evidence why the appellant opted for the window balustrades. It might be that they had been erected to improve the safety for the occupiers of the rooms at first floor level. Even if that were the reason for erecting the window balustrades, the evidence does not suggest that it would not be possible for the appellant to explore other safety options, such as the provision of top opening only windows and/or window locks. In this regard, and to the extent to which safety issues are public benefits, I do not, in any event, find that the harm caused to the significance of the CA from the window balustrades is outweighed by any identified public benefits sufficient to outweigh the less than substantial harm caused to the significance of the CA.
19. Given my reasoning above, I shall issue a split decision. While the rendering would preserve the character and appearance of the CA, subject to the imposition of a condition, and hence can be approved, harm has nonetheless been caused to the character and appearance of the CA in respect of the window balustrades. In respect of the latter development, I conclude that it does not accord with the design and conservation requirements of policies BE5, BE18 and H14 of the adopted Sheffield Unitary Development Plan 1998, policy CS 74 of the adopted Sheffield Development Framework Core Strategy 2009, and chapter 16 of the 2025 Framework.

Condition

20. In the interests of good design, and the character and appearance of the CA, it is necessary to impose a condition relating to the submission, approval and implementation of a scheme relating to the use of a different colour of paint for the render, and the provision of stone cills and lintels which reflects those that existed on the property prior to the breach of planning control occurring.
21. For the avoidance of doubt, in the event of a failure to comply with the requirements of the condition, the requirements of the notice would still bite. This would include requirement 5(ii) which states *“make good/repair the brickwork, stone cills and lintels using materials which match those at the adjoining terrace property at 112 Broomspring Lane”*. This is because section 180 of the 1990 Act (as amended) states that where after the serving of a notice planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission. I also emphasise that in the event of a failure to comply with the requirements of the condition, it would also be open to the LPA to issue a breach of condition notice.

Other Matter

22. The appellant has commented that he would like to include, as part of his deemed planning application, the provision of a new fence to improve privacy in the garden areas. The deemed planning application under ground (a) of section 174(2) of the 1990 Act (as amended) relates only to the breach of planning control, i.e., to the unauthorised development which existed when the notice was issued. If the

appellant wants to erect a new fence, he should separately discuss this with the LPA, including, if necessary, the submission of a separate planning application.

Conclusion

23. For the reasons given above, I conclude that the appeal should succeed in part only, and I will grant planning permission for the external wall insulation and render, but otherwise I will uphold the notice with a correction and refuse to grant planning permission in respect of the other part of the matters. The requirements of the notice will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of section 180 of the 1990 Act (as amended).

D Hartley

INSPECTOR