



Appeal Decision

Site visit made on 24 June 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

Appeal Ref: APP/J4423/W/25/3363268

8 Marsh House Road, Sheffield, South Yorkshire S11 9SP

- 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 Raheel Mirza against the decision of Sheffield City Council.
 - The application Ref is 24/02280/FUL.
 - The development proposed is change of use of land adjacent to 8 Marsh House Road to residential curtilage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the street scene and perception of safety of those using the public footpath.

Reasons

3. The appeal site relates to a narrow stretch of land along the side of a public footpath which runs down the side of 8 Marsh House Road, a two-storey dwelling. The dwelling has been extended to the side with its elevation running flush to the grass verge along the footpath. The section along the rear garden of the property is bounded by hedging.
4. The footpath provides a link between Marsh House Road, a residential street and Ringinglow Road, where there is a primary school. The stretch along the appeal site is straight and there is a sharp bend where it meets the school boundary. This sharp bend prevents views along the entire length of the footpath. There is a streetlamp in proximity to this bend within the grass verge with further streetlamps installed along the boundary with the school. The boundary along the side of 10 Marsh House Road is part timber fencing and part hedging, however as the dwelling is set back from the boundary it retains a sense of openness. This, along with the wide grass verge to either side, provides a pleasant environment for users of the footpath.
5. The proposal is for the erection of a 1.8m high boundary fence which would be erected along the width of the house and rear garden, with an access gate aligned with the front face of the house. The proposal would reduce the width of the grass verge by approximately 0.6m. Whilst a width of the grass verge would be retained along the footpath, the height and length of the proposed fencing would be an imposing addition in comparison with the existing situation. Although the openness

would be retained along the front boundary of No 8 due to the low-level front wall, the encroachment into the grass verge along the side of the house would reduce the sense of openness along this section of the footpath, particularly where it reaches the sharp bend, which would reduce the perception of safety for users.

6. The removal of a large section of the grass verge would erode the balanced appearance of this feature in relation to the tarmac footpath. Furthermore, the proposed access gate would be located on the opposite side of the existing front garden wall and would read as being part of the public grass verge. This would result in a visually and functionally awkward relationship which would detract from the pleasant character and appearance of the public realm.
7. The appellant has referred me to incidents relating to the fly-tipping of garden waste, the poor maintenance of planting in the adjoining area, dog waste along the grass verge and an incident where the side elevation of the host dwelling was sprayed with graffiti. Although I note that there is some reduced visibility into the very corner of the bend in the footpath when approached from Ringinglow Road, there is a direct line of sight into this area when approaching from Marsh House Road. There is also a streetlamp proximate to this corner to improve visibility at night. The erection of a fence further into the grass verge would narrow the access, reducing the openness of the public realm and further diminish visibility along the footpath which would harm the perception of safety for users.
8. The appellant has suggested that the proposed timber fence could be replaced with the planting of a hedge or that the area of grass verge to be removed could be reduced. However, no alternative proposals have been put forward and therefore I have dealt with the appeal on the basis of the submitted plans.
9. Whilst I note that there have been no objections to the proposed development, the absence of objection does not in itself render the scheme acceptable.
10. The proposed development would harm the character and appearance of the street scene and perception of safety of those using the public footpath. It thereby conflicts with Policies BE5 and H14 d) of the Sheffield Unitary Development Plan (1998) and Policy CS74 of the Sheffield Core Strategy (2009). Together these policies seek to ensure that proposals promote all aspects of personal safety and security, particularly at nighttime and contribute to place making and creating attractive neighbourhoods.

Conclusion

11. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, for the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR