



Appeal Decision

Site visit made on 23 September 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th October 2025

Appeal Ref: APP/J4423/W/25/3366465

Altman Smith & Co, Leverton House 461-463 London Road, Sheffield S2 4HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Altman Smith against the decision of Sheffield City Council.
 - The application Ref is 25/00727/FUL.
 - The development proposed is retention of ground floor office use (Class E) and alterations to building to create 2no. self-contained residential units (C3), including the erection of a two-storey rear extension, and a first-floor extension with accommodation at first-floor level and roofspace, and the creation of a communal roof terrace.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The location of the appeal site and the description of development in the above banner heading has been taken from the appeal form as this accurately describes both.
3. Since the determination of the application, the Planning Practice Guidance (PPG) has updated their guidance relating to flood risk and coastal change. This was updated 17 September 2025 and both parties have had the opportunity to comment on this in relation to the appeal.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the site and surrounding area, including whether it would preserve the setting of the non-designated heritage asset (461-463 London Road);
 - The effect of the proposed development on the living conditions of the existing occupiers of No 465 London Road (No 465) with particular regard to privacy, light and ventilation; and
 - Whether the proposed development would be suitably located having regard to its location in flood zone 3 and the risk of flooding.

Reasons

Character and appearance

5. The appeal site relates to a former bank premises located at 461-463 London Road. The property occupies a corner position with Sark Road and is an attractive single storey property constructed of red brick with ornate and architectural natural stone features. The bank is of a typical classical bank design of its era.
6. The proposed development seeks planning permission for the retention of ground floor office use (Class E) and alterations to building to create 2no. self-contained residential units (C3), including the erection of a two-storey rear extension, and a first-floor extension with accommodation at first-floor level and roofspace, and the creation of a communal roof terrace.
7. The former bank makes a positive contribution to the character and appearance of the street scene with architectural richness and solid formality. It is therefore considered to be a non-designated heritage asset. I have had due regard to paragraph 216 of the National Planning Policy Framework (the Framework) which explains that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
8. The rear extension forming the stairwell would be constructed of brick and would be the same height as the eaves of the additional storey which would increase the height of the existing building. The north elevation facing Sark Road would consist of small square windows in a horizontal row, and a large expanse of brickwork. Two entrances are proposed at ground floor level including a canopy and the safety barrier to the roof terrace would also be visible from Sark Road. The overall design and form of the stair well extension would have a utilitarian appearance which would not provide the same proportions and rhythm that is present in the original bank building. The northern elevation lacks design coherence when viewed from Sark Road resulting in a less than sympathetic addition to the non-designated heritage asset.
9. The proposed increase in massing of the additional storey and the stairwell extension along with the bulky form and dominant design would overwhelm the existing building. There would be a lack of clear delineation between the former bank and the proposed extensions within the design and the proposed quality of materials. This further adds to the dominance of the extensions. The pitched roof element does little to compliment the non-designated heritage asset as this appears to have been designed with internal spaces in mind, rather than the external appearance. Overall, the proposed development would not conserve nor increase the significance of the non-designated heritage asset.
10. For the above reasons, I conclude on this issue that the proposed development would unacceptably harm the character and appearance of the site and surrounding area. It would also not preserve the setting of the non-designated heritage asset (461-463 London Road). The proposed development would therefore be contrary to Policies S10, BE5 and BE20 of the Unitary Development Plan, 1998 (UDP) and Policy CS74 of the Core Strategy, 2009 (CS) which together, amongst other matters, explain that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

11. For the same reasons, the proposed development would also be contrary to paragraphs 131, 135, 207, 208, 210 and 216 of the Framework relating to achieving well designed places and conserving and enhancing the historic environment.

Living conditions

12. The proposed roof terrace would be set behind the parapet roof, and then the roof terrace to the rear would be open with a 1 metre safety barrier. The roof terrace would project 1.5 metres past the rear elevation of No 465 which is the neighbouring property to the south. The yard area of No 465 consists of an access stairway, outbuildings and a small area of private residential amenity space within the yard. The roof terrace would allow the future occupants of the flats to look down onto the private residential amenity space of No 465. This would result in a loss of privacy afforded to the private residential amenity space within the yard of No 465. It cannot be assumed that occupants would be seated and looking towards the vista to the rear of the property. Whilst the movement of the rails has been suggested by the appellant, I have limited detail on this to be satisfied that No 465 would not be unduly harmed.
13. The additional storey would be built against the gable (northern) elevation of No 465. There is a window within this gable understood to serve a kitchen/dining room of a one bedroom second floor flat and is not served by any other windows/roof lights. The additional storey would be the same height as the gable of No 465 and would cover the existing kitchen window which provides natural light and ventilation. The proposed development would result in the loss of the only window serving the primary room which would have an adverse impact upon the living conditions of No 465. The appellant claims that blocking of such windows would be permitted as they should not be built on the boundary and that the window serves a kitchen which does not require windows under current legislations. I have limited detail in relation to this, and I am not sufficiently satisfied that such would alter my findings.
14. For the above reasons, I conclude on this issue that the proposed development would unacceptably harm the living conditions of the existing occupiers of No 465 with particular regard to privacy, light and ventilation. It would therefore be contrary to Policy S10 of the UDP which states amongst other matters, that it requires development to not cause residents to suffer from unacceptable living conditions. For the same reasons, the proposed development would also be contrary to paragraph 135 of the Framework relating to achieving well designed places.

Flood risk

15. The appeal site is located within flood zone 3, which is defined as being highly vulnerable to flooding. Paragraph 170 of the Framework sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 175 of the Framework explains that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable

elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).

16. Details about the sequential test and if necessary, exceptions test are included in the PPG. It should show that there are no reasonably available, lower-risk sites that are suitable for the proposed development. As set out earlier, the PPG has updated their guidance relating to flood risk and coastal change. To this end, paragraph 027 of the PPG expands on paragraph 175 of the Framework explaining that, in applying paragraph 175, a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.
17. The proposed development would increase the building footprint marginally due to the proposed extensions. This would result in a displacement of flood storage volume which in turn could increase flood risk elsewhere. A Flood Risk Assessment has been submitted for the site which includes a sequential test chapter. The assessment advises that the proposed development would align with the existing land use patterns within the vicinity where commercial uses are found at ground floor level and residential to the upper floors. However, no alternative sites that are reasonably available have been considered within a lower flood risk area and thus the sequential test has not been met.
18. I have had due regard to the recent changes contained within the PPG and particularly paragraph 027. However, access/egress is also located within flood zone 3 and thus the development would generate movements associated with the use. The Flood Risk Assessment confirms that dry access and egress would not be available for the design flood event and thus recommends a flood emergency plan. Whilst relevant to preparing for a flood event, I am not sufficiently satisfied that the layout, design and mitigation measures ensure that occupiers and users would remain safe from current and surface water flood risk for the lifetime of the development, without increasing flood risk elsewhere. Page 32 of the Flood Risk Assessment explains that the site does not benefit from flood defences and submitted documentation does not detail flood defence or resilience measures. Consequently, the sequential test needs to be applied but fails in this respect as set out earlier.
19. For the above reasons, the proposed development would not be suitably located having regard to its location in flood zone 3 and would increase the risk of flooding elsewhere. It would therefore be contrary to Policies CS64 and CS67 of the CS and Policy GE19 of the UDP which together, amongst other matters, explain that all new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and function in a climate change.
20. For the same reasons, the proposed development would also be contrary to paragraphs 161, 173, 174, 175, 177, 178 and 181 of the Framework relating to meeting the challenge of climate change, flooding and coastal change.

Other Matters

21. The Council accept that at present they are only able to demonstrate a housing land supply of 3.07 years and therefore cannot demonstrate a five-year supply of deliverable housing sites. Consequently, because of the provisions of footnote 8, paragraph 11d) of the Framework should be applied. This requires the grant of permission unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
22. Criteria i) includes footnote 7 which explains that the policies referred to are those in the Framework (rather than those in development plans) relating to amongst others, areas at risk of flooding or coastal change.
23. On this basis and in light of my findings above in relation to flood risk, I find that the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. As a result, the presumption in favour of sustainable development does not apply.
24. Additionally, the Framework advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It advises that decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Decision should ensure development is sympathetic to local character and history, including the surrounding built environment and create places with a high standard of amenity for existing and future users. The Framework also requires the planning system to take full account of all climate impacts including, storm and flood risks and coastal change.
25. Paragraph 232 of the Framework is clear that due weight should be given to existing policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
26. The relevant policies of the UDP and CS are generally consistent with the Framework and as such, the conflict between the proposal and the policies above should be given significant weight in this appeal.
27. Set against the harm identified, there would be limited social, economic and environmental benefits associated with the proposals and even taking into account the objective of significantly boosting the supply of housing, and the Council's housing land supply position, the modest contribution of 2 units would make a small difference to the overall supply of housing. Consequently, the adverse impacts identified above would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. This further emphasises that the presumption in favour of sustainable development does not apply.

28. I appreciate that pre-application discussions have taken place with the Council and changes made to the scheme. To this end, I am aware of the appellant's frustrations with the Council in terms of communications had. I also note those matters not in dispute or could be dealt with via planning conditions although such matters would not alter my findings on the above main issues.

Conclusion

29. The proposed development would conflict with the development plan as a whole. There are no other considerations, including the provisions of the Framework that would individually or cumulatively outweigh this harm. The appeal should therefore be dismissed.

N Teasdale

INSPECTOR