

Appeal Decision

Site visit made on 30 September 2025

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 13th October 2025

Appeal Ref: APP/J4423/X/25/3363361

496 Manchester Road, Crosspool, Sheffield S10 5PN

- The appeal is made by Ali Zyahe under section 195 of the Town and Country Planning Act 1990 against a refusal by Sheffield City Council to grant a lawful development certificate.
 - The application Ref: 25/00531/LD1, dated 24 February 2025, was refused by notice dated 31 March 2025.
 - The application was made under section 191(1)(b).
 - The development for which the certificate is sought is "Removal of the front bay windows and replacement with flush windows and french doors, with juliet balcony to first floor".
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Decision

1. The appeal is allowed and attached to this decision is a lawful development certificate relating to the operations described in the application, which I consider to be lawful at the time of the application.

Reasons for the decision

2. Section 195 requires an assessment to be made as to whether the Council's refusal of the application is or is not well-founded. The assessment is based on the lawfulness of the development at the time of the application. The planning merits of the development are not relevant to the appeal and there is no planning application before me.
 3. The Council refused the application for the following reason: -

"The Local Planning Authority considers that the flush type of windows that have been installed on the front elevation of the dwelling including the french doors and juliet balcony are not of a sufficiently similar visual appearance to the original two storey bay windows in relation to the overall shape, colour and size of the frames. Therefore the type of development that has been undertaken at the site does not meet the requirements for Permitted Development as outlined in Schedule 2, Part 1, Class A, A.3 (a) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the associated Permitted development rights for householders Technical Guidance published in September 2019 (page 31). As such a Lawful Development Certificate cannot be issued."
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4. Class A permits the alteration of a dwellinghouse subject to the condition in A.3(a) that "the materials used in any exterior work ... must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse". The Government publication *Permitted development rights for householders: technical guidance* advises that Condition A.3(a) "means that the materials used should be of similar visual appearance to those in the existing house, but does not mean that they need to be the same materials."
5. The Council have drawn attention to one of the examples given in this guidance, which refers to the "overall shape" of window frames. However, this reference is made in the context of uPVC double-glazed replacement windows, which this appeal is not concerned with, and in any event the wording of Condition A.3(a) focuses on the appearance of the materials used rather than their "overall shape".
6. The comparison to be made by Condition A.3(a) is with the existing house, not with the original. At the time when the flush windows and French doors with Juliet balcony to the first floor were installed at the front of the house, the "existing dwellinghouse" was the one that had extensive additions and alterations at the side and rear, all of which were authorised, and no longer had any bay windows. The materials used at the front are the same as those used elsewhere, being aluminium-framed doors and windows using the Smart Architectural Aluminium System, and they are powder-coated in a matching colour and have matching tinted reflective glass. Their shape matches because it emphasises the vertical in common with the additions at the rear. The front wall is cement-rendered in a colour that matches the cement-rendering used at the side and rear.
7. As a matter of fact and degree, I have concluded that Condition A.3(a) has been complied with. I am satisfied that the Council's refusal of the application is not well-founded. The appeal has therefore been allowed and the certificate has been granted.

D.A.Hainsworth

INSPECTOR



Certificate of Lawful Development

APPEAL REFERENCE APP/J4423/X/25/3363361

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39 & SCHEDULE 8

IT IS CERTIFIED that on 24 February 2025 the operations described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and shown edged and hatched in black on the plan attached to this certificate were lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990, for the following reason:

The operations were permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015, Article 3(1) and Schedule 2, Part 1, Class A.

D.A.Hainsworth

INSPECTOR

Dated: 13th October 2025

First Schedule

The removal of the front bay windows and their replacement with flush windows and French doors, with a Juliet balcony to the first floor.

Second Schedule

496 Manchester Road, Crosspool, Sheffield S10 5PN

Notes

1. This certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990.
2. It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule were lawful on the specified date and, therefore, were not liable to enforcement action under Part VII of the 1990 Act on that date.
3. This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operations that are materially different from those described or which relate to any other land may render the owner or occupier liable to enforcement action.

Plan attached to Certificate of Lawful Development

496 Manchester Road, Crosspool, Sheffield S10 5PN

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This is the plan attached to the Certificate of Lawful Development
dated: 13th October 2025

D.A.Hainsworth

Inspector

