



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: 16th October 2025

Appeal Ref: APP/J4423/C/25/3362470

Land at 223-225 Abbeydale Road, Sheffield S7 1FJ

- The appeal is made by Bahez Osman under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: 19/00360/ENUD) issued by Sheffield City Council on 11 February 2025.
- The breach of planning control alleged in the notice is "the carrying out of operational development being the construction of an extension to the front of the property, shown in the photograph in Appendix 1 to this Notice".
- The requirements of the notice are as follows: -
 - "You must;
 - i) Remove the extension (as indicated on the attached photograph in appendix 1) from the Land; and
 - ii) Remove any waste materials arising from compliance with paragraph (i) above from the Land"
- The period for compliance with these requirements is 6 months.
- The appeal is proceeding on the ground set out in section 174(2)(a). An application for planning permission is deemed to have been made by section 177(5) in respect of the matters stated in the notice as constituting the breach of planning control.

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990 for the construction of an extension to the front of 223-225 Abbeydale Road, Sheffield S7 1FJ, subject to the following conditions: -
 1. The extension shall not be used between 2100 and 0800 hours on Mondays to Saturdays and between 1730 and 0800 hours on Sundays and Bank Holidays.
 2. No amplified sound or live music shall be played within the extension at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the extension at any time.

Reasons for the decision

2. The main issues in deciding whether planning permission should be granted for the extension concern the effect it has on the streetscene and the contribution

it makes to the sustainability of the café/restaurant business carried on at the property.

3. When assessing these issues account needs to be taken of the planning permission 19/02235/FUL granted by the Council on 7 November 2019, which authorises (amongst other matters) a new external seating area in the same position as the extension now enforced against. The permission was implemented and the seating area was brought into use. The impact of the seating area on the street scene was considered to be acceptable at the time when it was approved and to be compliant with planning policies that are still in force; I would expect it to be re-instated if the enforcement notice is upheld.
4. The glazed part of the extension enforced against has in fact been built on top of the low brick wall authorised by permission 19/02235/FUL; the requirements of the enforcement notice are therefore excessive in requiring the removal of this wall. The permission also authorised timber screening on top of the wall, which has now been removed and replaced by a more substantial glazed structure. This structure has a fully-retractable roof and sides.
5. In good weather the extension can be opened up and used in a similar way to the approved external seating area and at other times it can be used as a covered space. The appellant has explained that there has been a change in customer behaviour that demands such flexibility and that the extension has been constructed in response to this demand, helping the business to remain viable in a competitive and evolving high street environment.
6. The Council consider that the extension is more dominant than the external seating area that was approved. They describe it as a poorly-designed, solid and obtrusive feature that is incongruous in the street scene. They point out that the property occupies a prominent corner plot within a shopping and commercial parade.
7. Several design principles in the 1998 Unitary Development Plan, the 2009 Core Strategy and the National Planning Policy Framework (2024) have been referred to by the Council in support of the enforcement notice. There are other planning policies in these documents that support commercial activity, in particular the statement in paragraph 85 of the National Planning Policy Framework that "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt".
8. The design of the extension is functional and it serves the purpose of providing what the appellant describes as a flexible 'inside-outside' feel, which is of benefit to customers. It has been constructed using good quality materials and it is in a dark grey colour that matches other parts of the ground floor of the building. In this part of Abbeydale Road, the shopping and commercial parades reflect their historical conversion from houses with front yards; they therefore have forecourts between the parades and the footway that are being put to a variety of business uses, which contributes to the distinctiveness of the locality, the customer service offer and the viability and sustainability of the parades and the businesses carried on there.
9. Taking all the considerations into account that arise in this appeal, there is on balance a convincing case for allowing the extension to be retained in spite of

the Council's reservations about its design. I have therefore decided to allow the appeal and grant planning permission.

10. In this event, the Council have suggested that two planning conditions should be imposed that would regulate the hours of opening and control noise in the interests of local amenities and adjoining occupiers. The appellant has raised no objections to these and I have imposed conditions matching the similar conditions imposed on permission 19/02235/FUL.

D.A.Hainsworth

INSPECTOR