
Appeal Decision

Site visit made on 25 November 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 02 December 2025

Appeal Ref: APP/J4423/W/25/3367208

9/11 Cupola Lane, Sheffield

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Julie Coggon against the decision of Sheffield City Council.
 - The application Ref is 24/003191/OUT.
 - The development proposed is construction of traditional built 2 bedroom cottage with stone walls/ tiled roofs and timber doors/ windows.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name was different on the Application Form and the Appeal Form. It has been confirmed in correspondence that the appellant's name is Mrs Julie Coggon. There has also been a dispute with regard to the address for the parcel of land which was subject to the planning application and now subject to this appeal. The appellant has confirmed within their Appeal Statement that the address is 9/11 Cupola Lane. These details are reflected in the banner above.
3. The planning application subject to this appeal, was for outline planning permission with all matters reserved for subsequent approval. Therefore, the details of access, appearance, landscaping, layout, and scale shown on the application plans are indicative and for illustrative purposes only.

Main Issues

4. The main issues are:
 - the effect of the proposal on the living conditions of occupiers of 2 Bower Lane (No 2), with particular regard to outlook, privacy and loss of sunlight;
 - whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to the provision of external amenity space; and,
 - the effect of the proposal on highway safety, with particular regard to on-street parking.

Reasons

Living conditions – neighbouring occupiers

5. The appeal site is a small piece of land which is accessed from Cupola Lane. It is sited between No 2 and 13 Cupola Lane (No 13). The site is gravelled, with

vegetation to the rear, including a tall coniferous tree. No 2 is sited within an L-shaped plot which partially wraps around the appeal site. The dwelling is largely to the rear of the appeal site, with its side extension projecting to the side of the appeal site. A large part of No 2's garden is also to the rear and significantly downhill from the appeal site.

6. The appellant has indicated that the proposed dwelling and garden would be set down from Cupola Lane and would be built in line with No 13. Even if the proposed development was set down as suggested, it would still be sited uphill of No 2. Whilst the layout and scale of the proposed development is reserved for subsequent approval, due to the appeal site's modest size, the proposed dwelling would be sited near the site's rear boundary. When viewed from No 2's rear windows and garden the proposed dwelling would appear as an overly dominant feature, due to its proximity to the shared boundary and its position uphill.
7. Given the orientation of the sites, the current view of the appeal site from No 2's garden and rear windows would be of the boundary vegetation and the sky above. The tall coniferous tree sited close to the boundary with No 2, may appear overbearing, but it could be removed as part of the proposed development. Although the proposed dwelling may be shorter than the tree, it would appear more overbearing to occupiers of No 2 due to its massing and as it would be of a permanent construction.
8. The layout and appearance of the proposed development is reserved for subsequent approval. Accordingly, a suitable design could be produced which ensures that there is no harmful overlooking of neighbouring properties from within the proposed dwelling. Notwithstanding this, due to the topography of the area a tall boundary treatment would be required to ensure that there is no harmful overlooking of No 2 from the proposed garden. Whilst the tall boundary treatment may resolve concerns with privacy, it would further create a sense of dominance over No 2 and would be overbearing on its residents due to its height and the topography of the area.
9. As explained above, the proposed dwelling would be sited near the rear boundary of the appeal site. Given the orientation of the appeal site and No 2, the proposed dwelling would likely cast shadows across No 2 and its garden, in the afternoon and evening. Nevertheless, the proposed development could result in occupiers of No 2 experiencing more sunlight within their property and garden due to the potential vegetation clearance, including the removal of the tall coniferous tree.
10. On balance the proposal would have a harmful effect on the living conditions of occupiers of No 2, with regard to outlook. However, subject to the approval of the reserved matters, it may not have a harmful effect on the living conditions of occupiers of No 2, with regard to privacy and the loss of sunlight. The proposal would be contrary to saved Policy H14 of the Sheffield Unitary Development Plan, March 1998 (UDP), where it indicates that new development will be permitted provided that the site would not be over-developed. Moreover, it would not be in accordance with paragraph 135 of the National Planning Policy Framework (the Framework), where it advises that planning decisions should ensure that developments create places with a high standard of amenity.

Living conditions – future occupiers

11. Given the size of the appeal site, the proposed garden would be modest in size. Due to the surrounding topography and proximity of neighbouring properties a tall boundary treatment would be necessary to ensure that the garden would be private. For the same reason, the garden would likely be to the rear of the proposed dwelling.
12. The garden shown on the indicative plans is small and of limited depth. Due to its orientation, there would be very limited usable space, and it would be difficult to dry clothes and sit outside at the same time. Furthermore, the presence of tall boundary treatments enclosing a small garden, would feel oppressive and would be overbearing on future occupiers.
13. The description of development specifies that the proposed dwelling would be a two-bedroom cottage. Whilst the layout of the proposed development is reserved for subsequent approval, it has not been demonstrated that the proposed development could include a garden which is of a size commensurate to the proposed level of occupancy.
14. There is woodland and countryside within walking distance of the appeal site. This could address the recreational desires of future occupiers of the proposed dwelling. However, this would not provide adequate mitigation for the limited amount of proposed private external amenity space, as these spaces are different in character to a private garden.
15. Although some two-bedroom apartments may have limited or no external private amenity space, those dwellings tend to be materially different to the proposed cottage. Apartments often have shared semi-private external amenity space or are located within town or city centres. The proposed dwelling would be a house within a suburban area. Moreover, no examples of nearby apartments with no or limited external amenity space have been put before me. As such, it has not been demonstrated that a precedent has been made for modest gardens within this area. Moreover, not wanting to encumber someone with garden management is not a reason to grant planning permission for a dwelling with a small garden. That would be a personal choice which future occupiers could make when designing the garden.
16. I conclude that the proposal would not provide acceptable living conditions for future occupiers, with particular regard to the provision of external amenity space. The proposal would be contrary to saved UDP Policy H14 and paragraph 135 of the Framework, for the same reasons as given above.

Highway safety

17. Photographs show that vehicles have been parked within the appeal site, but land registry documents show that it is separate from neighbouring properties. Whilst the site may be used for parking with agreement from the landowner, my assessment is based on the site being a vacant piece of land. Therefore, the proposal would not lead to the displacement of parking.
18. Access and layout are reserved for subsequent approval, as such the proposal could provide off-street parking. However, due to the size of the site the amount of parking space would be limited. Moreover, it would reduce the space available for

private external amenity space and would exacerbate the harm identified above. The indicative plans do not include any off-street parking, and it is common ground between the parties that none would be provided. Therefore, this is the basis of my assessment.

19. Cupola Lane is a narrow road and there is no footpath either side of the road for almost its entire length. Bower Lane is also a narrow lane, and sections of that road in proximity to Cupola Lane also have no footpath. Properties on the other side of Cupola Lane have off-street parking. As do some of the properties on the same side of Cupola Lane as the appeal site, but this is often modest in size. Therefore, on-street parking is likely to be commonplace and was observed during my site visit.
20. Future occupiers would have good access to public transport and would live in proximity to the services and facilities necessary to support their day-to-day needs. As such, this would promote the use of sustainable transport modes and car-free living may be a life choice of future occupiers. Nonetheless, there are no parking restrictions in the local area and there is no mechanism before me which would ensure that the proposed development would be car free.
21. The anecdotal evidence on the level of parking in the area is inconclusive as the view differs amongst the appellant and interested parties. I visited the site around midday on a Tuesday and observed that there were vehicles parked on Cupola Lane and nearby streets, which made passing difficult in some areas. However, I am mindful that my observations only represent a moment in time and may not be representative of the everyday circumstances. Similarly, I cannot conclusively determine whether Cupola Lane is being used as a throughfare between Bower Lane and Main Street.
22. Notwithstanding the above, if future occupiers or their visitors have cars, they would park on Cupola Lane or nearby streets. Increased on-street parking would lead to more occurrences of people having to manoeuvre past parked vehicles. Given Cupola Lane, and other nearby roads, are narrow and the lack of a footpath, this would increase the chance of conflict between vehicles and pedestrians. There is no cogent evidence before me to indicate that Cupola Lane or nearby roads, could safely accommodate the increase in parking.
23. On balance, I conclude that the proposal would have a harmful effect on highway safety, with particular regard to on-street parking. The proposal would be contrary to saved UDP Policy H14 where it indicates that new development will be permitted provided that it would provide appropriate off-street parking and not endanger pedestrians. It would also be contrary to paragraph 116 of the Framework where it advises that development should only be refused on highway grounds where there would be an unacceptable impact on highway safety.

Other Matters

24. The appeal site is within Grenoside Conservation Area (GCA). Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of GCA.

25. The Conservation Area Appraisal¹ identifies that the special interest of the area includes its historical importance as a source of Sheffield's building stone and that it includes an interesting mix of historical buildings representing different phases in Grenoside's development. The development along this part of Cupola Lane is of an organic nature and is linked to the historic crucible workshop on Cupola Lane. A sensitively designed infill property would maintain the prevailing pattern of development and would preserve the character and appearance of GCA as a whole. This is not disputed by the Council.
26. Evidence indicates that there used to be dwellings on the appeal site. However, photographs indicate that the dwellings were not in place in the 1980s. Therefore, they have long since been removed. The presence of historic development at the appeal site does not justify allowing a proposed development which would be harmful to the living conditions of existing and future occupiers, and highway safety.
27. The appellant has indicated that a recent Appeal Decision² that was allowed has similarities to their proposal. That proposal was for outline planning permission for up to 22 dwellings on a large site. As such, there is sufficient space within that appeal site to position the proposed dwellings to ensure there would not be a harmful effect on the living conditions of existing or future occupiers. Moreover, the proposal was supported by a Transport Statement, which provided substantive evidence to demonstrate that the proposal would not have a harmful effect on highway safety. Accordingly, that decision is materially different to the proposal that is before me and does not set a precedent.
28. I acknowledge the appellant's concerns with the conduct of the Council during the determination of the planning application. Nonetheless, this does not alter my assessment on the acceptability of the appeal proposal.

Planning Balance

29. There is no mechanism before me to secure the proposed dwelling as an affordable house in accordance with the definition within the Framework. However, given the modest size of the site it is likely that the proposed dwelling would be smaller than properties nearby and therefore could be more affordable. The granting of permission would modestly increase the area's deliverable housing land supply. The proposal would also make an effective use of a vacant plot and there would be economic benefits associated with the construction period and an increase in the population living in the area.
30. The UDP dates from 1998 but the weight to be attached to its policies does not hinge on its age. Rather paragraph 232 of the Framework indicates that due weight should be given to them, according to their degree of consistency with the Framework. Saved UDP Policy H14 is broadly consistent with paragraphs 116 and 135 of the Framework. Therefore, the conflict between the proposal and saved UDP Policy H14 should be given significant weight in this appeal.
31. As there are no policies in the development plan which support development that is harmful to the living conditions of neighbouring occupiers and future occupiers of

¹ Grenoside, Conservation Area Appraisal, April 2010

² Appeal Ref. APP/J4423/W/24/3356418

the development, and highway safety, there would be conflict with the development plan when read as a whole.

32. The Council cannot demonstrate a five year supply of deliverable housing land. In these circumstances footnote 8 establishes that the policies which are most important for determining the application are out-of-date. Consequently, planning permission should be granted unless 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. Paragraph 11(d)(ii) of the Framework also requires me to have particular regard to key policies for directing development to sustainable locations and making effective use of land.
33. As set out above, the proposal would increase Sheffield's deliverable housing land supply and may result in a dwelling which is more affordable than nearby properties. Albeit there is no mechanism before me to secure the dwelling as affordable housing in accordance with the definition within the Framework. The proposal would also make an effective use of land in a sustainable location, close to services and facilities and would encourage the use of sustainable transport modes. There would also be economic benefits associated with the construction and ongoing occupation of the proposed dwelling. However, given the modest scale of the proposal I ascribe moderate weight to the benefits of the proposal.
34. The Framework outlines that planning decisions should ensure that developments create places with a high standard of amenity. Furthermore, it indicates that development should be prevented on highways grounds if there would be an unacceptable impact on highway safety. It goes on to explain that applications for development should create places that are safe and minimise the scope for conflicts between pedestrians, cyclists and vehicles. The harmful effect on the living conditions of both neighbouring occupiers and future occupiers of the proposed development would be permanent and ongoing. Furthermore, it has not been demonstrated that parking could be safely accommodated and would not increase the scope for conflict between road users. Accordingly, I ascribe significant weight to these harms.
35. Consequently, the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this instance, the presumption in favour of sustainable development does not apply.

Conclusion

36. The proposal conflicts with the development plan, when read as a whole, and the material considerations, including the presumption in favour of sustainable development, do not indicate that the appeal should be decided other than in accordance with it.

J Hobbs

INSPECTOR