



Appeal Decision

Site visit made on 17 December 2025

by R Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2026

Appeal Ref: APP/J4423/C/24/3355412

434-436 Abbeydale Road, SHEFFIELD, S7 1FQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Two Thirds Brew Ltd against an enforcement notice issued by Sheffield City Council.
 - The notice was issued on 15 October 2024.
 - The breach of planning control as alleged in the notice is 'Without planning permission, the erection of a canopy to the front of the property'.
 - The requirements of the notice are to: (i) Remove the canopy structure from the Land. (ii) Remove any waste materials arising from compliance with paragraph (i) above from the Land.
 - The period for compliance with the requirements is: 2 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the erection of a canopy to the front of 434-436 Abbeydale Road, Sheffield, S7 1FQ as shown on the plan attached to the notice and subject to the following conditions:
 - 1) Customer access to, and use of, the covered area shall be limited to between 1030 hours and 2100 hours on any day.
 - 2) No amplified sound or live music shall be played within the covered area, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside of the building at any time.
 - 3) Any lighting within the canopy/structure shall only be turned on between 1015 hours and 2115 hours on any day.

The Ground (a) Appeal and Deemed Application for Planning Permission

Main Issue

2. The main issue is the effect of the development on the character and appearance of the building and its locality.

Reasons

3. The site lies on a busy arterial route leading south-east from the city centre. The area is characterised by predominantly mixed ground floor commercial premises with flats or storage above, but with some rows of terraced housing and occasional larger commercial premises. The building is an altered traditional 2-storey brick

building with rooms in the roof space served by high front gables with a slate covering.

4. The combined ground floor unit has a replacement brick stallriser with modern metal framed display windows above and integrated customer doorways set below a long fascia display. The building is flanked by other commercial properties. It has a forecourt adjacent to the public pavement which contains stepped and ramped accesses into the premises. At the time of my site visit the outside area accommodated some benched tables and was largely enclosed by timber planters.
5. The canopy consists of a low-sloping profile-sheeted roof over a simple free-standing, 4-post, box-section, metal framework. The canopy is located forward of the building within the forecourt. It is sited at the north-eastern extent of the plot where a removable outdoor seating area bordered by barriers was approved in 2019. Its height sits just below the level of the top of the window frames and the fascia.
6. As with another approved canopy example at the corner of Abbeydale Road and Hale Street and a front extension to 220 Abbeydale Road, the canopy design is overtly modern. The freestanding contrasting form distinguishes it from the original part of the building. Positioned in front of only a limited proportion of the unit's frontage and below the level of the fascia, the shop front remains legible. However, alongside the modern bar frontage, signage, railings and shuttering, it has a significant degree of design, material and colour consolidation and coordination with the remainder of the building's contemporary commercial frontage.
7. Although the canopy projects several metres forward of the building it lies close to a front extension to the neighbouring unit which remains visible through it. It is located on the outside of a bend in the road alignment where development to the north-east and a narrowed carriageway reduces the perceived width of the street. Alongside the open construction and dark colour finish, which make the canopy visually recessive against the frontage, these factors limit any sense of significant incursion into the streetscape. In combination with the wide area of the nearby junction with Broadfield Road/Sheldon Road and the greenspace opposite, the structure has little effect on the open aspect of the locality.
8. The Council highlight the benefit of the row of forecourts in providing additional space for pedestrians and relief from the busy Abbeydale Road (A621) route. However, located within the confines of the site, the canopy does little to impede or obstruct users of the public highway or pedestrian space. Like other bars in the area, the forecourt has a degree of enclosure on land shown to be beyond the public footpath in the plans approved in 2019. The Council does not contend that enclosure of the frontage would require planning permission.
9. Along the road there are numerous examples of frontage structures, levelled decks and canopies. While I acknowledge that some have a poor appearance and may not benefit from planning permission, many encourage active use of the frontages which engage with the public area and contribute to the vitality and vibrant hustle and bustle of the commercial area. In offering an outside covered seating area, I have little doubt that the structure facilitates such benefits.

Conclusion on Ground (a)

10. Taking all of the above together, I find that the scale, design and appearance of the development respect the existing commercial frontage and preserves the character of the locality. It thereby aligns with saved Policies S10 and BE5 of the Sheffield Unitary Development Plan [1998] and policy CS74 of the Sheffield Development Framework Core Strategy [2009] and the National Planning Policy Framework (the Framework) as together they seek to secure coordinated, well-designed development of a scale, nature and materials appropriate to the building and its locality, and that contributes to place-making and successful neighbourhoods.

Conditions

11. I have considered the suggested conditions from the Council and had regard to Paragraph 57 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. Conditions to limit the times of use and illumination of the canopied area, and to restrict live or amplified music in the outside area are necessary and reasonable to protect the living conditions of nearby residents. Such conditions being consistent with the permission for the use of the premises granted in 2019 (ref. 19/02253/CHU).

Conclusion

12. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The enforcement notice will be quashed.

R Hitchcock

INSPECTOR