



Appeal Decisions

Site visit made on 21 January 2026

by **E Griffin LLB Hons**

an Inspector appointed by the Secretary of State

Decision date: 15 April 2026

Appeal A Ref: APP/J4423/C/24/3355301

Appeal B Ref: APP/J4423/C/24/3355302

6 Bradway Grange Road, Sheffield S17 4PH

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Shahduz Zaman and Appeal B is made by Rani Zaman 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 unauthorised extension to the roof of 6 Bradway Grange Road'.
 - The requirements of the notice are
 - (i) Remove the unauthorized dormer extension from the Land
 - (ii) Make good the roof using matching materials to the front roof slopeOR
 - (iii) Provide an alternative dormer extension to be built in accordance with the approved plans of planning permission 22/04606/FUL
 - (iv) Remove from the Land any waste materials arising in compliance with Paragraphs (i) – (iii) above
 - The period for compliance with the notice is 6 months.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 ('the Act') (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.
 - Appeal B is proceeding on the grounds set out in section 174(2) (f) of the Act
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Decisions

Appeals A and B

1. It is directed that the enforcement notice is corrected and varied by:
 - (i) Deleting the allegation in full and substituting it with 'Without planning permission, the erection of an unauthorised rear dormer'
 - (ii) Deleting requirement (i) and replacing it with 'Remove the unauthorised rear dormer from the Land'
 - (iii) Deleting requirement (iii) in full and replacing it with 'Amend the development to provide a rear dormer in accordance with the plans approved by the Council under the planning permission reference: 22/04606/FUL granted on 5 April 2023, so as to comply with the terms of this permission, including its conditions and limitations.'
2. Subject to the corrections and variations, the appeals are dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Planning History

3. Planning permission reference 22/04606/FUL was granted on 5 April 2023 (the 2023 permission) for the 'Demolition of single- storey side extension, alterations and extension to roof to form additional habitable space including formation of double gables, raising of ridge height and erection of rear dormer, erection of two-storey side extension, two -storey front extension for use as porch/atrium and single- storey rear extension to dwellinghouse.'

The notice

4. The allegation refers to an 'extension to the roof.' The reasons for issuing the notice refer to the dormer and the requirements refer to the dormer extension. The appellant has understood that the allegation relates to the rear dormer but the different wording lacks clarity. To provide consistency, I will amend the allegation so that it refers to the rear dormer. The requirements should then flow from the allegation and I will therefore amend the first requirement so that it also refers to the rear dormer.
5. Requirement (iii) is an alternative requirement to demolition namely 'provide an alternative dormer extension to be built in accordance with the approved plans of planning permission 22/04606/FUL'. Whilst the appellant has understood the requirement, the wording should make clear that all of the conditions attached to the planning permission remain in force.
6. A requirement to 'Amend the development to provide a rear dormer in accordance with the plans approved by the Council under the planning permission reference: 22/04606/FUL granted on 5 April 2023, so as to comply with the terms of this permission, including its conditions and limitations' is more appropriate. I do not consider that the amendments cause injustice to any party as they are not widening the allegation or requirements. I will amend the notice accordingly.

Appeal A - the appeal under ground (a) and the Deemed Planning Application (DPA)

Main Issue

7. The main issue is the effect of the development upon the character and appearance of the appeal property and the surrounding area.

Reasons

8. The two storey appeal property is located in a largely residential area which is predominantly made up of detached and semi-detached properties. As the appeal property is located near a corner, it sits between No 4 Bradwell Grange Road which is a dormer bungalow and No 2 Conalan Road which is a two storey property. Both adjoining properties have pitched roofs and there are modest rear dormer features on the bungalow and those features are also characteristic of the surrounding area.
9. The appellant has carried out extensive works at the appeal property following the grant of the 2023 planning permission. The approved works included extending the property to create two storeys and extending the roof across the whole of the front of the building to have a symmetrical double fronted property. The work to the front has been completed. The approved works did include a slight increase in the ridge

height of the roof. At the rear, the approved works included a rear dormer with insets to either side of the roof.

10. The rear dormer being enforced against extends out from the ridge of the roof and forms a continuous line with the ground floor side elevation walls. In views from the road, the dormer has a square bulky appearance which contrasts with nearby properties. The bulk and shape of the rear dormer is particularly noticeable in views from the road looking towards the appeal property and the bungalow at No 4 due to the height differences. The bulky shape with no insets is also in contrast with the sloped sides of the front roof.
11. At the rear, the development extends across the whole of the appeal dwelling creating the appearance of a three storey dwelling due to the absence of any side insets. The dormer as built dominates the rear elevation in terms of size when it is the same width to the lower levels rather than being identifiable as a dormer on a roof. Whilst an increase in the ridge height of the roof was permitted as part of the 2023 planning permission, the design of the dormer with the combination of that increase and the width of the dormer unbalances the appeal property.
12. There are views from the windows of the development of the houses on Bradway Road beyond the appeal garden although the extent of the views will alter with the seasons depending upon the extent of tree coverage at the rear boundary. There will therefore be views back towards the appeal property and the extent of the dormer will also be visible from the neighbouring properties. The lack of an inset emphasises the bulk of the dormer particularly when dormers of this size and design are not part of the character of the area.
13. The principle of having a rear dormer at the appeal property is not disputed. However, the thrust of the policies relied upon by the Council is to ensure that dormers are clearly identifiable as dormers and have insets to avoid being visually dominant. The Supplementary Planning Guidance to the Unitary Development Plan 'Designing House Extensions' refers to development being compatible with the character and built form of the area and not detracting from the dwelling or the locality.
14. Whilst the appellant refers to the rear dormer as a discrepancy with the plans, it is unauthorised development. The dormer that was approved is materially different to what has been constructed, it is not the same size. The approved plans clearly show the insets to both sides and the Council indicates that the plans originally submitted by the appellant were specifically amended to provide for insets and to be policy compliant.
15. For the reasons given, the development does harm the character and appearance of the appeal property itself and the surrounding area. The development is therefore contrary to Policy BE5 of the Sheffield Unitary Development Plan Policy (the UDP) (Adopted March 1998) which, amongst other things, states that extensions should respect the scale, form and detail and materials of the original building. It is also contrary to Policy H14 of the UDP, which amongst other things, states that extensions should be well designed and be in scale and character with neighbouring buildings. It is also contrary to the Supplementary Planning Guidance which refers to development not detracting from the dwelling or the general appearance of the locality.

Other matters

16. There are third party objections from local residents which include matters such as the size of the development, the differences between what was approved and other extensions in the surrounding area being of a lesser scale. There is a comment in support which refers to disruption to nearby occupiers in complying with the notice. However, that is a matter that is within the control of the appellant and there is the option to amend the development to accord with the 2023 planning permission which is likely to be less disruptive than demolition. The matters raised in support of the development do not alter my finding of harm.

Alternative Development

17. Under ground (f), the appellant has proposed retaining the development in its current form and extending the eaves at both sides front and back to give the appearance of an inset dormer. As the appellant is asking for planning permission for further works, this is a matter to be addressed under ground (a) not ground (f). However, under Section 177(1) of the Act, planning permission can only be granted in relation to the whole or any part of those matters alleged in the notice.
18. The matter alleged in the notice is the erection of a rear dormer. The appellant is not proposing any changes to the rear dormer being enforced against but separate works to enlarge the roof to create insets. As the proposed works are not whole or part of the matter alleged, they fall outside the scope of Section 177(1) of the Act and this appeal.

Conclusion on ground (a)

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. I have found conflict with the development plan with regard to harm to the character and appearance of the appeal property and the surrounding area. There are no material considerations that would lead me to a decision other than in accordance with the development plan in this case. For the reasons given and with regard to all other matters raised, I conclude that the appeal under ground (a) should be dismissed.

The appeal under ground (f) – Appeals A and B

20. Section 174(2)(f) of the Act states that an appeal may be made on the ground that the steps required by the notice to be taken, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
21. An appeal under ground (f) is limited to whether the requirements of the notice exceed what is necessary having regard to the purpose of the notice. As the amended requirements include demolition of the development or amendment to accord with the 2023 planning permission, the purpose of the notice is to remedy the breach.
22. I have already addressed the proposal to alter the roof under ground (a) and found that what is proposed is not part of the development. No arguments are advanced under ground (f) which address why the requirement to demolish the development

is excessive when the purpose of the notice is to remedy the breach. The appeal under ground (f) therefore fails.

Overall Conclusion

23. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice with corrections and variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

E Griffin

INSPECTOR