



Appeal Decision

Site visit made on 21 January 2026

by **E. Griffin LL.B Hons**

an Inspector appointed by the Secretary of State

Decision date: 22 April 2026

Appeal Ref: APP/J4423/C/25/3369112

392 City Road, Sheffield S2 1GA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by JWH Design Limited against an enforcement notice issued by Sheffield City Council.
 - The notice was issued on 17 June 2025.
 - The breach of planning control as alleged in the notice is 'Without planning permission, the carrying out of operational development being the construction of a front dormer window and two-storey rear extension, shown in the Photographs in Appendix 1 and 2 to this Notice.
 - The requirements of the notice are
 - (i) Remove the front dormer extension as indicated on the attached photograph in Appendix 1 from the Land
 - (ii) Restore the roof plane to its former state before the dormer was constructed using tiles/materials matching that as materials used in the surrounding roof
AND
 - (iii) Remove the two- storey extension (as indicated on the attached photographs in Appendix 2 from the Land)
 - (iv) Restore the rear elevation West to its former state (as per Existing elevations drawings submitted with planning application ref 24/01835 /FUL, shown in Appendix 3) using materials substantially similar to the original (as per photographs of the original rear elevation in Appendix 4)
AND
 - (v) Remove any waste materials arising from compliance with paragraph (i)(ii) (iii) and (iv) above from the Land
 - The period for compliance with the requirements is 6 months
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) 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.
-

Decision

1. It is directed that the enforcement notice is varied by:
 - (a) Adding the following new requirements
 - (vi) 'As an alternative to requirements (i) and (ii), amend the development to provide a front dormer in accordance with the plans approved by the Council under planning permission reference: 24/01835/FUL granted on 24 September 2024, so as to comply with the terms of this permission, including its conditions and limitations.'
 - (vii) 'As an alternative to requirements (iii) and (iv), amend the development to provide a two- storey extension in accordance with the plans approved by the Council under planning permission reference: 24/01835/FUL granted on

24 September 2024, so as to comply with the terms of this permission, including its conditions and limitations.'

(b) Deleting the words 'above' and 'and' from requirement (v) and adding the words '(vi) and (vii)' after (iv)

(c) Deleting '6 months' as the period of compliance and substituting it with '8 months'

2. Subject to the variations, the appeal is dismissed and the enforcement notice is upheld.

Planning History

3. Planning permission¹ was granted on 24 September 2024 for 'Use of dwellinghouse as an 8 bedroom House in Multiple Occupation (HMO), erection of two- storey rear extension, front and rear dormer windows and provision of front lightwell' (Amended description and Plans)(the 2024 planning permission)
4. A further planning application² was submitted under Section 73 of the Act with the same description but seeking a variation of condition 2 of the 2024 planning permission which relates to the approved plans. This application sought approval for a larger front dormer and alterations to the approved two storey extension. The Council refused this application on the 3 June 2025 and the enforcement notice was then served as works had already been carried out.

The ground (a) appeal and the Deemed Planning Application (DPA)

The Main Issues

5. The main issues are (i) the effect of the development which consists of a front dormer and rear extension upon the character and appearance of the appeal property and the surrounding area and (ii) the effect of the rear extension upon the living conditions of occupiers of 394 City Road with particular regard to outlook.

Reasons

Character and appearance

The front dormer

6. The appeal property is a two storey mid terraced property located in a terraced block of similar properties on one side of City Road with Norfolk Park to the other side. There is a steep incline in the road which rises in the direction of the city centre and the roof lines of the terraces are therefore not of a consistent height. The appeal property and No 394 have the same roof line but No 390 which is to the other side of the appeal property is set lower down and has no dormer.
7. The terraced properties are faced in natural stone with bay windows at ground level and dwarf walls to separate the modest frontages from the pavement. There are front dormers on some of the properties along the blocks of terraces. The appeal property is currently undergoing extensive works and at the time of my site visit had been stripped back to a brick shell. However its traditional features

¹ Reference 24/01835/FUL

² Reference 25/01126/FUL

including the natural stone walls, a bay window at ground floor level and a single smaller window on the first floor remain.

8. The unauthorised front dormer is located in the centre of the pitched roof, has a triangular roof and is largely dark grey. The dormer is significantly larger in size than the single upper floor window that is below it. It is also very similar in size to the width of the bay window when viewed from across the road. It is set back slightly from the eaves but is still highly visible in direct views from across the road and also when approaching the appeal property in either direction along City Road. The dormer does dominate the roof when it has a bulky square appearance despite the triangular roof and is not in proportion to the existing windows. The presence of some dormers along the wider terrace of properties does not lessen the visual dominance of the appeal dormer.
9. Photographs provided by the appellant show that some dormers exist along City Road and the Council has not objected to the principle of a front dormer. A more modest dormer of a different design with less visual impact was approved as part of the 2024 planning permission. The photographs show dormers of different styles which are not comparable to the development in terms of design, location on the roof or scale. The appeal dormer is overly dominant and incongruous in views looking along the roofscape of the row of terraces as well as in views of the appeal property itself.
10. For these reasons, I do find that the dormer does harm the character and appearance of the appeal property and the surrounding area. It is therefore in conflict with Policies, BE5 and H14 of the Sheffield Unitary Development Plan 1998 (the UDP) and Policy CS74 of the Sheffield Development Framework Core Strategy 2009. These policies collectively seek to ensure that development respects the scale, form, detail and architectural style of the building and those surrounding it. It also conflicts with paragraphs 135(b) and (c) of the National Planning Policy Framework (the Framework), which, among other things, requires development to be visually attractive and sympathetic to local character.

Rear extension

11. A rear extension has been substantially constructed with a door and windows. It extends across almost all of the appeal property with just a modest vertical strip of the original natural stone visible between the extension and the access way shared by the appeal property and No 394.
12. The base of the extension is made up of a skirt of red bricks which is around 10 bricks high with the door sitting above the bricks. The finish of the rest of the rear and side elevation closest to No 394 is cream render. There is currently no access to the outside space through the door due to the height difference between interior and exterior ground levels. The extension is taller than the eaves of the original rear elevation and also taller than the adjacent lean to extension at No 390. A photograph provided by a third party clearly shows the extent of the breeze block side wall above the ridge of the extension at No 390. Recent works at the rear include a dormer. With the height of the extension exceeding eaves level, the dormer and the extension visually merge with very little remaining of the original roof profile which overwhelms the rear of the appeal property.
13. The Council does not object to the principle of a rear extension. A more modest extension which is policy compliant with less width, the same ridge height as the

lean to extension at No 390, not exceeding the eaves height of the original property and a greater angle of slope to the roof was approved as part of the 2024 planning permission. Whilst the appellant indicates that a render finish was considered to be suitable for the approved extension, the light coloured finish on the appeal extension highlights its incongruous appearance.

14. The absence of public views does not make any development acceptable. There are views of other more modest extensions beyond No 390 from the outside space of the appeal property and there are therefore likely to be similar views of the extension from those properties. There are also side views of the extension from No 388 due to its height despite not being next door to the appeal property.
15. The extension has the appearance of a rectangular box fixed on to the rear. The scale and design of the extension does not complement the original property and appears out of place in an area where extensions where they exist are more modest. The extension is an overly dominant and visually discordant feature which is not in keeping with the appeal property or the surroundings.
16. The development does therefore harm the character of the appeal property and the character of the area. It is therefore in conflict with Policies BE5 and H14 of the Sheffield Unitary Development Plan 1998 (the UDP) and Policy CS74 of the Sheffield Development Framework Core Strategy 2009. These policies collectively seek to ensure that development respects the scale, form, detail and architectural style of the building and those surrounding it.

Living Conditions

17. The Council refers to amenity impacts for occupiers of No 394. As the Council has alleged that the extension is overbearing, I have addressed the amenity issue as relating to outlook. No 394 has no extension at present and retains its original rear elevation.
18. Guideline 5 of the Sheffield City Council Supplementary Planning Guidance 'Designing House Extensions' (SPG) states 'Unreasonable overshadowing and over dominance of neighbouring dwellings should be avoided, as should serious reduction in the lighting and outlook of the dwelling to be extended.' It states, 'applicants will normally be required to ensure that the furthest extent of a two storey extension makes an angle of no more than 45 degrees with the nearest point of a neighbour's window... an extension should not project out further at two storey height than the distance from the nearest neighbour's window to that extension.'
19. There will inevitably be some impact upon neighbouring occupiers when terraced properties are extended and whether the impact is harmful is a matter of fact and degree in each case. Every technical breach of the 45 degree code does not result in harm to a level that is unacceptable. However, the side wall of the extension with its excessive height extends almost up to the shared passageway between the two properties. The ground floor window of No 394 is to the other side of the passageway. The proximity of the extension to the rear elevation of No 394 is overbearing and does, in my view, cause an unacceptable level of harm to occupiers of No 394 with regard to outlook.
20. It is therefore contrary to Paragraph 135(f) of the Framework which refers to creating high standards of amenity for existing and future users.

Other matters

21. The appellant has now provided a plan which shows that steps would be provided at the rear for access in the event of planning permission being granted. This appears to be in response to the Council's concern that a raised platform could be needed at the rear due to the ground level issues. However, providing steps does not overcome my findings of harm with regard to the extension itself.
22. I have noted the comments of the third party with regard to the rear extension. However, comments about the rear dormer are outside the scope of this appeal.

Conclusion on ground (a)

23. 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 and the living conditions of neighbouring occupiers with regard to outlook. There are no material considerations that would lead me to a decision other than in accordance with the development plan. For the reasons given and with regard to all other matters raised, I conclude that the appeal under ground (a) should be dismissed.

An appeal under ground (f)

24. 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.
25. An appeal under ground (f) is limited to consideration of whether the requirements of the notice exceed what is necessary having regard to the purpose of the notice. As the requirements refer to demolition of the development, the purpose of the notice is to remedy the breach of planning control.
26. In requiring demolition and restoration, the purpose of the notice is to remedy the breach rather than injury to amenity. Remedying the breach of planning control includes making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land by discontinuing any use of the land or by restoring the land to its condition before the breach took place³.
27. The appellant wishes to have the alternative of being able to amend both the front dormer and the extension being enforced against so that the development complies with the 2024 planning permission. The Council states 'This is a lawful permission which can be implemented, and the Council would not restrict the appellant in implementing this and would only ask that alterations are made to the scheme to accord with these approved plans, rather than full demolition and rebuild.'⁴

³ Section 173(4) of the Act

⁴ Paragraph 3.21 of the Council's statement

28. The 2024 planning permission is for an 8 bedroom HMO over four floors including living rooms in the basement with additional space created with the addition of dormers and the two storey extension. Condition 2 of the planning permission requires compliance with approved plans.
29. Amending the dormer is unlikely to create any difficulties. The approved plans include a rear extension with a single door and a double door at ground floor level in line with the existing passageway between the appeal property and No 394. These plans do not show a difference in floor levels between the higher ground floor level inside the appeal property and the lower outside space.
30. To comply with the approved plans, changes would include reductions in height of around 0.8 metres and width of around 0.6 metres. The top of the ridge of the extension should be in line with the top of the ridge of the original extension of No 394. The roof also needs to be lowered and sloped to a greater angle and sit beneath the eaves of the original rear elevation. The doors and windows need to be provided in the locations shown on the approved plans.
31. The appellant has not explained how the approved extension can be amended to comply with the approved plans or if reducing interior ground floor levels is an option. Any amendments or changes to what has been approved will require another application to vary or a new planning application. Whether or not there is sufficient height in the bedrooms for occupation is a matter for the appellant to consider in deciding how to proceed. Whilst the Council has concerns about the plans issue, it has also stated that the permission is lawful and can be implemented and works including the erection of a rear dormer have already occurred. Any practical difficulties or the amount of work required to achieve compliance are matters for the appellant to address.
32. Providing an alternative requirement to demolition to allow the appellant to amend the development in accordance with the planning permission would also remedy the breach. I will add the alternative option wording to the requirements. The appeal under ground (f) succeeds.

An appeal under ground (g)

33. An appeal under ground (g) relates to the period for compliance which is 6 months. The appellant indicates that a period of 12 months is required due to lead in periods and the availability of contractors. However, the appellant already has a team of contractors working at both the appeal property and No 394. Altering the existing dormer to provide the approved dormer or removing it, is very unlikely to take longer than 6 months.
34. Whilst the position with the extension is less straightforward, I do consider that 12 months is excessive. Nevertheless, in balancing the interests of the appellant and the public interest in securing compliance, it does appear to me to be appropriate to extend the existing period by a further 2 months. This slightly longer period will allow for discussions between the parties and a further application to made, if required. I will amend the period of compliance to 8 months. The appeal under ground (g) succeeds to that extent.

Conclusion

35. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with 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