



Appeal Decision

Site visit made on 8 June 2026

by Siobhan Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2026

Appeal Ref: APP/J4423/C/25/3361824

162-164 Abbeydale Road, Sheffield, S7 1FH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Shazad Ahmed against an enforcement notice issued by Sheffield City Council.
 - The notice was issued on 26 February 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 rear dormer window.
 - The requirements of the notice are to: (i) remove the rear dormer extension from the land, (ii) restore the roof plane to its former state before the dormer was constructed using tiles/materials matching the tiles/materials used in the surrounding roof; (iii) remove any waste materials arising from compliance with paragraph (i) above from the land OR (i) implement the dormer windows approved under planning application 21/05120/FUL in accordance with the approved plan; Existing and Proposed plan and elevations (amended) – Drawing no. 06-1120-SK1.10F (in association with application 21/05120/FUL, published 22nd April 2022) (attached in appendix 2 of the notice); ii) make good the remaining altered roof plane to its former state before the dormer was constructed, using tiles/materials matching the tiles/materials used in the surrounding roof; (iii) remove any waste materials arising from compliance with paragraph (i) 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) and (d) 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 construction of a rear dormer window at 162-164 Abbeydale Road, Sheffield.

The Appeal on ground (d)

2. The ground of appeal under s174(2)(d) is that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters. In this case the relevant period is 4 years from when the dormer was substantially completed. The 4-year period must have occurred before the enforcement notice was served. This means that the unauthorised structure must have been substantially completed by 26 February 2021. The onus of proof is on the Appellant.
3. The Appellant says that the dormer was built in January 2021 but he has not provided substantive evidence of when it was substantially completed.
4. For the above reasons, and, on the balance of probability, the evidence does not precisely and unambiguously demonstrate that the dormer was substantially completed at least four-years before the date of the notice. Therefore, I conclude that the ground (d) appeal fails.

The Appeal on ground (a)

5. The main issue is the effect of the dormer upon the character and appearance of the area, with particular reference to the setting of the Nether Edge Conservation Area.
6. The site is outside of but next to the boundary of the Nether Edge Conservation Area. The dwellings to the rear of the site are within the Kenwood Character area of the conservation area. The conservation area is characterised by stone Victorian and Edwardian dwellings and quiet hilly tree lined streets. Houses range from large detached to more modest terraces. Its significance derives from its age, architecture, layout and landscape.
7. Abbeydale Road, where the appeal property is situated, sharply contrasts to the conservation area behind it. Although it appears to be Victorian/Edwardian in origin, the shopping parades are predominantly faced in red brick. It is a busy, commercial area characterised by cafes, mini marts and takeaways. There is a proliferation of advertisements and unsympathetic external additions to the fronts of the buildings. This street forms the setting to the part of the conservation area behind the appeal site.
8. I was able to see the rear of the dormer from within the site. However, the dormer is barely visible from the conservation area part of Chippinghouse Road, although it is visible from the end of the road that is not within the conservation area.
9. The requirements of the notice include the option of replacing the dormer with two flat-roofed dormers with a small gap between them. This is a scheme with planning permission and I accept that the two smaller dormers would look slightly less bulky when viewed from the rear than what has been constructed. Whilst the rear of the dormer may be visible from a few residential properties behind, I do not consider that the dormer is so large as to harm any occupant's outlook. I note the Council's comments that the windows in the built dormer do not line up with the doors and windows underneath but neither do they in the approved scheme.
10. Whilst there would be a small difference to the rear elevation, replacing the built dormer with the two approved dormers would not make any obvious difference when viewing from Chippinghouse Road as the side elevation of the appeal property would remain much the same.
11. Furthermore, the dormer is viewed in the context of an enormous and highly prominent extractor flue that has been constructed against the dormer's Chippinghouse Road elevation. The Council allege that the flue is unauthorised due to a failure to comply with pre-commencement conditions. It is not before me to determine the lawfulness of the flue as it is not referred to in the enforcement notice. That said, regardless of whether it is lawful, the Council found its appearance to be acceptable and granted it permission. The dormer recedes in appearance behind the flue.
12. In summary, if the enforcement notice were complied with by implementing the approved dormers, it would not make any material difference to the character and appearance of the area. The setting and therefore the significance of the conservation area, would not be affected.

13. Taking all of the above into account, I conclude that the dormer does not harm the character and appearance of the area. Therefore, I find no conflict with policies BE5 and H14 of the Sheffield Unitary Development Plan or Policy CS74 of the Sheffield Development Framework Core Strategy. In combination, these policies seek to ensure good design and to protect the character and appearance of an area. I also find no conflict with Policies DE1 and DE2 of the emerging Sheffield Plan which have similar objectives or with the Designing House Extensions Supplementary Planning Guidance.

Conclusion

14. 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.

Siobhan Watson

INSPECTOR