



Place Directorate
City Growth Department
Planning Services
Howden House · 1 Union Street · Sheffield · S1 2SH
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Officer: Joanna Atherton
Ref: 21/04801/FUL (Formerly PP-10388730)

Tel: (0114) 01142 734239 (Tuesday - Thursday)
Date: 13 January 2022

Mark Smith Architectural Design
3 Dene Road
East Dene
Rotherham
S65 2SE

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING PERMISSION

Proposal: Erection of a dwellinghouse (Resubmission of 20/04177/FUL)
Location: 209 High Street, Ecclesfield, Sheffield, S35 9XB
Applicant: Wickersley Homes Ltd

Planning permission is hereby **REFUSED** for the above-mentioned development in accordance with the application deposited with the Council on 18 November 2021 together with the relevant plans, including any amendments now agreed, for the following reason(s):-

1. The Local Planning Authority consider that the proposed development would constitute an overdevelopment of a site of restricted dimensions which would result in unacceptable amenity for future occupiers. This would be contrary to Policy H14 of the Unitary Development Plan and Paragraph 130 of the National Planning Policy Framework.
2. The Local Planning Authority consider that the proposed dwelling would be overbearing in relation to adjoining residential property and would therefore result in an unacceptable effect on the living conditions of occupiers of adjoining property. As such the development would be contrary to Policy H14 of the Unitary Development Plan and Paragraph 130 of the National Planning Policy Framework.

Date of Decision made by the Council's Authorised Officer

13 January 2022

Planning Service

Large print versions of this letter are available by telephoning (0114) 273 4791

Developers attention is drawn to the following directive(s):

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, the application is considered contrary to policy requirement(s), and, there being no perceived amendment(s) that would address these shortcomings without compromising the fundamental intention of the scheme the Local Planning Authority had no alternative but to refuse consent.
2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Proposed Plans and Elevations, Drawing No. 09 published 12.11.21
Proposed Site Plan, Drawing No. 02 C published 12.11.21
Red line Site Location Plan published 12.11.21
Site Sections Plan No, 10 Published 12.11.21

Please see attached notes regarding this decision.

NOTES

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act, 1990.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK

Enforcement - If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice. If you want to appeal against your Local Planning Authority's decision on our application, then you must do so within 28 days of the date of this notice.*

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

Householder - If this is a decision to refuse planning permission for a householder application, if you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks of the date of this notice.*

Minor Commercial - If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks of the date of this notice.*

Advertisement Consent - If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your Local Planning Authority's decision then you must do so within 8 weeks of the date of receipt of this notice.*

All Other Applications - If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.*

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed,

having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeal solely because the Local Planning Authority based its decision on a direction given by the Secretary of State.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990.

Notes Regarding Access for Fire Service

Notwithstanding this planning permission, attention is drawn to Section 55 of the South Yorkshire act 1980 which requires that any application made under the Building Regulations shall be rejected unless, after consultation with the Fire Authority, they are satisfied that the plans show:-

- (a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and
- (b) that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

Any queries in this respect should be directed to:-

South Yorkshire Fire and Rescue, 197 Eyre Street, Sheffield, S1 3FG. Telephone: 0114 2727202

Demolition

Section 80 (2) of the Building Act 1984 requires that any person carrying out demolition work shall notify the local authority of their intention to do so. This applies if any building or structure is to be demolished in part or whole. (There are some exceptions to this including an internal part of an occupied building, a building with a cubic content of not more than 1750 cubic feet or where a greenhouse, conservatory, shed or pre-fabricated garage forms part of a larger building). Where demolition is proposed in City Centre and /or sensitive areas close to busy pedestrian routes, particular attention is drawn to the need to consult with Environmental Protection Services to agree suitable noise (including appropriate working hours) and dust suppression measures.

Form Dem 1 (Notice of Intention to Demolish) is available from Building Standards, Howden House, 1 Union Street, Sheffield, S1 2SH. Tel (0114) 273 4170 email buildingcontrol@sheffield.gov.uk

Environmental Protection Services can be contacted at DEL, Howden House, 1 Union Street, Sheffield, S1 2SH. Tel (0114) 2734651

