
Appeal Decision

Site visit made on 20 February 2014

by Keith Manning BSc (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 February 2014

Appeal Ref: APP/J4423/A/13/2207125

1 - 3 Storth Hollow Croft, Ranmoor, Sheffield, South Yorkshire S10 3HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by A Racmachandran and others against the decision of Sheffield City Council.
 - The application Ref 13/00037/FUL, dated 7 January 2013, was refused by notice dated 29 April 2013.
 - The application sought planning permission for erection of 8 dwellinghouses with garages and new access road (In accordance with amended tree report received 03.06.09 and amended plans received 28.07.09 and 25.08.09) without complying with a condition attached to planning permission Ref 09/00805/FUL, dated 9 September 2009.
 - The condition in dispute is No 18 which states that: The proposed green/brown roof (vegetated roof system) shall be provided on the roofs in accordance with the locations shown on the approved plans prior to the use of the building commencing unless otherwise agreed in writing. Thereafter the green/brown roof shall be retained. Prior to works commencing on site details of the specification and maintenance regime shall be submitted to and approved by the Local Planning Authority. The plants shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.
 - The reason given for the condition is: In the interests of sustainable development.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 8 dwellinghouses with garages and new access road (In accordance with amended tree report received 03.06.09 and amended plans received 28.07.09 and 25.08.09) at 1 - 3 Storth Hollow Croft, Ranmoor, Sheffield, South Yorkshire S10 3HW in accordance with the application Ref 13/00037/FUL dated 7 January 2013, without compliance with condition number 18 previously imposed on planning permission Ref 09/00805/FUL dated 9 September 2009 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect.

Main Issue

2. The main issue is whether the condition in dispute is necessary in the sense intended by Circular 11/95 *The Use of Conditions in Planning Permissions* having regard to the intentions of the development plan and other relevant policy.

Reasons

3. While the development which, is partially completed and occupied, is within the extensive Ranmoor Conservation Area, the roofs which are the subject of the condition at issue are barely visible from significant public vantage points including the nearby listed bridge carrying Stumperlowe Crescent Road over Storth Lane. The topography and the presence of substantial trees combine to limit views of the flat roofs even during the winter months when those that are deciduous are not in leaf. The impact of the roof treatment on either the character or the appearance of the conservation area, the desirability of preserving or enhancing of which I am obliged to have regard to, is negligible.
4. The main consideration is therefore the impact on the interests of sustainable development of omitting the 'green/brown' roof treatment originally included in the application to develop the site and required by the condition at issue but not implemented, or now intended to be implemented, in practice.
5. The National Planning Policy Framework is of course concerned with the promotion of sustainable development, which is a multi-faceted concept. It does encourage innovative sustainable design but eschews unnecessary prescription and, being applicable nationally, is essentially concerned with general principles.
6. One such principle, set out in paragraph 58, is that local and neighbourhood plans should address design quality with policies appropriate to the locality. The Council's Core Strategy contains policies (CS63, CS64 and CS67) to variously address Sheffield's impact on climate change, promote biodiversity and reduce surface water run-off. In March 2011 it adopted its *Climate Change and Design* Supplementary Planning Document and Practice Guidance. This extols the virtues of green roofs and contains a specific guideline, CC1, which indicates that in appropriate circumstances the technique will be required on all larger developments and encouraged on all other developments. Larger developments are said to be allied to the concept of 'major' development as defined in the Development Management Procedure Order, the guidance acknowledging that green roofs on developments over 10 dwellings are more likely to be feasible and viable than on smaller schemes with less roof area. Moreover, it accepts that green roofs on individual houses may be less feasible than would be the case with an apartment building.
7. The development at issue is below the 10 dwelling threshold and comprises individual dwellings to be occupied by individual owners or tenants as the case may be and there are plainly concerns as to the implications of green roofs from the occupiers' perspectives, albeit no evidence that the properties would not be sold as a consequence. It seems that commercial preference, in response to customer scepticism, as opposed to viability per se, is the appellants' principal concern.
8. Equally, I am in no doubt that the policy read together with the relevant guidance is cast in a way which encourages rather than requires such techniques to be deployed in the case of individual dwellings on small developments. Moreover, given the leafy and low density nature of the area and the doubtless energy efficiency of the new buildings in response to relevant regulations, I am not persuaded that the absence of green roofs in this instance would significantly add to 'urban heat island' effects, undermine the mitigation of such, enhance biodiversity or reduce surface water run-off,

important and far-sighted though those objectives plainly are. Nor, as I have already indicated, would there be significant visual or local distinctiveness disadvantages for the area.

9. Therefore, rather than representing an unacceptably harmful conflict with the intentions of relevant policy, including saved policies BE6 and BE16 of the Council's 1998 Unitary Development Plan, the appellants' apparent desire to revert to a more conventional roofing technique, arguably represents a failure to respond positively to the vision underlying the Council's policy intentions. Although encouraged, the technique is not in this instance required. The ultimate test is whether planning permission would have to be refused in the absence of the condition at issue, i.e. the condition should only be retained if there are sound and clear-cut reasons for doing so.¹ In all the circumstances, I consider the conflict with policy intentions that, in this instance, are translated as encouragement rather than prescription, whilst significant in principle, would not, in practice, be so harmful vis-à-vis adopted development plan policy as to warrant refusal of planning permission when weighed against the overall benefits of the scheme of development. It is material that the Framework adopts a balanced approach to design requirements, promoting innovation whilst counselling against undue prescription and I have no evidence to suggest that the omission of green roofs would of itself render the development unsustainable or that it would detract from its sustainability credentials to a degree that would, in this particular instance, be unacceptable in the context of relevant policy.
10. I have taken all other matters raised into account but none are sufficient to alter the overall balance of my conclusion that, for the reasons I have given, the appeal should be allowed. I see no reason for the imposition of an alternative or replacement condition.

Keith Manning

Inspector

¹ Paragraph 15 of the Annex to Circular 11/95

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