

Town and Country Planning Act 1990 (as amended)  
Appeal by: Avant Homes Central

An Appeal Against the refusal of  
Full Planning Permission for 72 no. dwellings (as amended)  
at land off Moorthorpe Way, Sheffield.

PINS reference APP/J4423/W/20/32558555  
Planning Application Reference: 19/03143/FUL

# Rebuttal Proof of Evidence

(in response to Sheffield City Council Proof of Evidence prepared by Sarah Hull)

**Client:**

Avant Homes (Central)

**Project:**

n1276 Land off Moorthorpe Way, Owlthorpe, Sheffield

**Report Title:**

Rebuttal Proof of Evidence

**nineteen47 Reference:**

n1276/RPoE/SCC/RW

**Date:**

January 2021

# Contents

	Page
Section 1: Introduction	1
Section 2: Assessment of Main Issues	2
Section 3: Conclusion	10

# 1 Introduction

- 1.1 This rebuttal evidence is provided in response to the Council's evidence and sets out the Appellant's position on some of the matters raised by the Council that relates to my area of evidence. The evidence in my proof addressed the matters raised by the Council but additional response in some key areas has been provided within this rebuttal. I have not sought to address every area of disagreement between my evidence and that of the Council and failure to do this rebuttal to address any particular areas should not be taken as an acceptance of the Council's or indeed the Rule 6's position.
- 1.2 The scope of my Rebuttal Evidence is as follows:
  - Open and Green Character
  - Density
  - Affordable Housing

## 2 Assessment of Main Issues

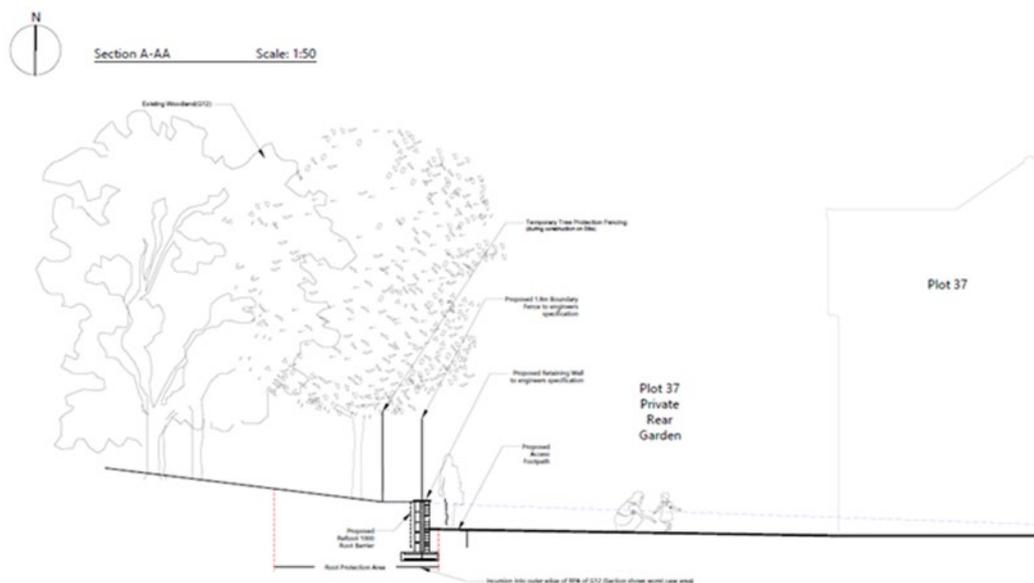
### Main Issue C – Open and Green Character

- 2.1 With respect to the Council's perception of the site's open and green character, the evidence provided by the Council fails to demonstrate an understanding of the impact of topography and developing on a hillside. The adjacent Woodland Heights development clearly demonstrates these challenges with the highly visible retaining walls along the southern boundary as pictured below.



- 2.2 It should be accepted and understood that retaining structures and elements of hard engineering by necessity will also form part of the appearance of the site, given that this is an inevitable aspect of developing a site such as this, with some 10m of fall, as shown by the closest existing residential development, located on the same hillside.
- 2.3 As with the appeal scheme it is necessary to retain the southern boundary. There is an existing level within the site set by the fixed highway which serves the medical centre. This requires a 3m change in level from the southern boundary to tie into the existing highway network. The need for retaining walls in this area is unavoidable, the question is what the best solution is. There are three options:
1. Expose the retaining walls along the southern boundary to the public realm, with a road at the foot and dwellings facing these structures, with a poor aspect.

2. Use split-level houses backing onto the southern boundary retaining at the road side, introducing more stairs and kitchen/living spaces on the first floor, an arrangement much less suited to family living and less adaptable with regard to Part M building regulations for the less mobile.
  3. Locate the retaining walls within rear gardens of new properties, similar to the Woodland Heights development. Minimising the amount of visible, hard engineered structures in the public realm avoiding less accessible split-level housing.
- 2.4 The first option to introduce retaining to the front of dwellings, in the public realm wasn't considered a suitable option. The option to introduce split-level housing is not a good option either. This is a family housing scheme and needs good accessibility, as per the Design Brief. Split-level homes create additional stairs to the main living accommodation and present challenges for families with young children navigating stairs with prams, food shopping etc. Due to the limited space at ground floor bedrooms are often introduced, with these less desirable for families with children sleeping below parents, close to the front door.
- 2.5 The third option, to locate the majority of the retaining structures to the rear within private gardens, is the best option and the one which the appeal scheme proposes. Addressing the retaining walls in this fashion, and elsewhere across the site within the perimeter blocks, ensures that the green character of the site in the public realm is maximised and hard engineered features such as retaining structures are minimized, but addressing amenity of occupiers nonetheless. A new hedgerow is proposed behind the retaining walls along the southern boundary to soften this edge.
- 2.6 With regard to the western boundary (plots 34-39) there is very limited retaining in this area, the timber fence is proposed as stated in the Council's evidence but this is set behind the groups of retained category B trees which as they mature will screen the fence and significantly soften the western edge. This point is illustrated in the indicative detailed site cross section of plot 37 pictured below which can be found at appendix 7 of my colleague Mr Topping's Proof of Evidence. This clearly demonstrates that a soft edge to the western boundary will be achieved which is sensitive to the Local Wildlife Site beyond the trees.



## Main Issue D - Density

- 2.7 The refusal to consider the provisions whereby a lower density would be justified as specified within Core Strategy Policy CS26 again demonstrates the lack of understanding within the Council's evidence of the impact of topography on the site, as outlined previously in paragraph 2.1. This issue cannot be ignored, and the need to increase the space between buildings (predominantly back to back) beyond normal separation distances to create a suitable level of amenity is absolutely the correct design approach. The effect this additional space behind buildings has on density needs to be understood.
- 2.8 The assertion from the Council that "the design of the scheme cannot be used to justify low density" is therefore false and demonstrates a lack of balance in the interpretation of the options for developing the site as set out clearly in my proof of evidence.
- 2.9 The Council state "increased density could be achieved by introducing a more compact and efficient scheme" (paragraph 6.43) and also suggest in paragraph 6.47 that garden sizes should be reduced. Again, my proof of evidence clearly demonstrates why this would be highly undesirable when factoring in the changes in levels, and the need to create space behind buildings to mitigate these level changes not reduce it.
- 2.10 Notwithstanding this point the shift towards the Council requiring an increased density, with the inference of smaller houses provided, is in my view without a solid basis. The design brief clearly states family housing is required. The scheme provides a broad range of family homes including 3 bedroom semis and townhouses and both two storey and two and a half storey 4 bedroom units which provide an excellent choice and variety of internal layouts. The scheme also provides an equal balance of 2, 3 and 4 bedroom affordable homes, at the Council's request.
- 2.11 The scheme meets the requirements of Policy CS41 to encourage the development of housing to meet a range of housing needs including a mix of sizes, types and tenures, and (part b) require a greater mix of housing in other locations, including homes for larger households, especially families, as per the Design Brief. The density should be assessed against the backdrop of what is appropriate for a scheme comprising a range of family houses alongside the constraints of the site (topography) and prevailing character of low density housing.

2.12 Rather than focusing on a blanket density across the whole site, the variation in density across the scheme should be assessed. The central areas, described as the 'the urban heart' are tighter and more compact (as demonstrated by the visuals) with the northern edge being a lower density. Density is used to create legibility and a hierarchy which adds variety to the scheme.



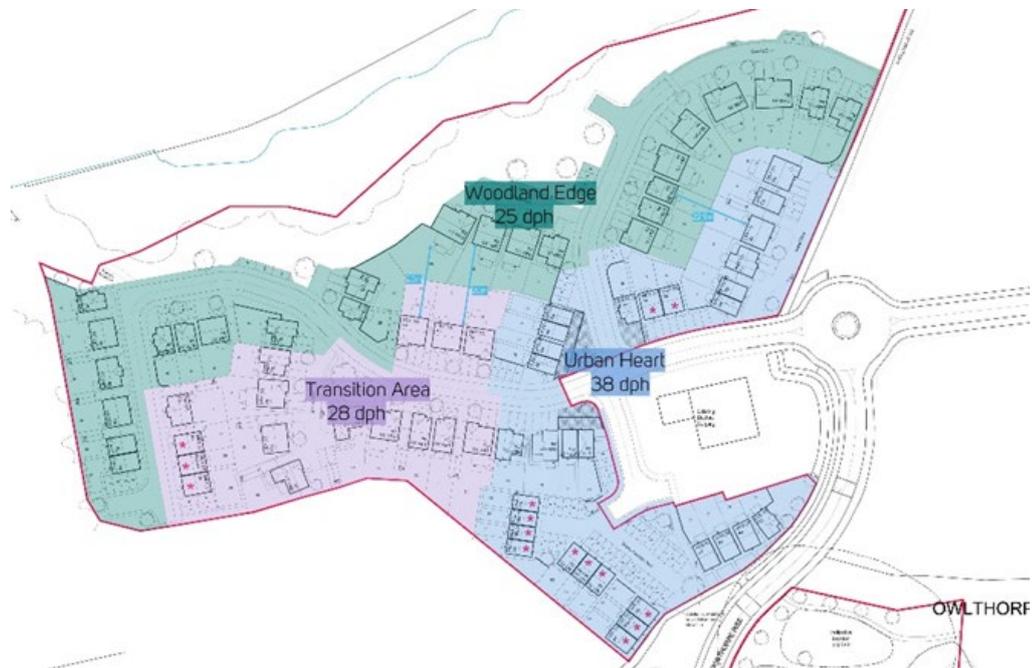
- 2.13 As demonstrated by the images on the previous page the choice of townhouses, 2 and a half storey integral garage house types as well as terraces and semis within the urban heart creates a compact form of development with only small gaps of circa 1.2m thus creating an enclosed built form which feels compact. It is therefore incorrect to label the scheme as entirely 'low density'. Density is not just a mathematical calculation but also concerned with the visual appearance at the street level. The accompanying visualisations clearly demonstrate the effect of limited gaps between dwellings creating enclosure and a close-knit built form with the necessary space to mitigate the topography invisible from the street, hidden in between the plots (back to back), within gardens.
- 2.14 In summary therefore it is maintained that an excellent mix of family housing is provided on site, consistent with the Design Brief and Policy CS41. Tightening up the whole scheme, including providing smaller gardens would be completely the wrong approach. The lower density of 30 dph is a result of the increased space back to back, as well as the use of wider frontage properties to create a suitable level of amenity in private gardens across the site due to topography and required retaining structures. As this space is generally hidden within the perimeter block/gardens it does not result in a scheme which appears to be a low density when viewed from street level and in the central areas will feel compact, with the density then lowered across more sensitive areas.
- 2.15 Based on the above I maintain that the appeal site is a perfect example of why the provisions of Policy CS26 exist, to allow good design which in this case responds to the challenging topography, and protects a sensitive area such as the woodland edge as outlined thoroughly in my proof of evidence.

### Main Issue E – Affordable Housing

- 2.16 With respect to the provision of affordable housing the Council's evidence suggests that it is identifiable by virtue of its design, scale, siting, form and parking. My proof of evidence deals with these points thoroughly. The issue of building forms being a differentiating factor does however need to be addressed further.
- 2.17 For clarity, the Council state that 80% of the proposed dwellings are detached when in fact this figure is 68%. In addition, as demonstrated in the previous section there are numerous examples of detached market properties arranged with only a 1.2m gap between them, providing a very similar sense of enclosure to a terraced form of housing, but in keeping with the aspiration for more family sized properties. Examples of these groupings, particularly in the urban heart are plots 16-18, 19-22, 56-58 and 69-72. So, whilst 68% of the proposed dwellings are detached, over half of these detached properties, together with the remaining 32% of semis and terraces are arranged with very small gaps between properties.

- 2.18 Based on the above, it is maintained that the affordable housing which is arranged in blocks of 3 or 4 are positioned alongside detached forms with very small gaps between them. As such these building arrangements are coherent, with the same architectural style and detailing applied to market and affordable housing and therefore, in my view, cannot be argued as being identifiably different, so as to point them out as clearly affordable. The benefit of course to the affordable housing being delivered in terraced forms is the energy efficiency that this will also bring.
- 2.19 Turning to the parking arrangements for the affordable housing the courtyard design which serves a number of the affordable houses is a design response to the site conditions rather than a differentiating factor between market and affordable provision.
- 2.20 The courtyard serves both market and affordable housing. It facilitates the creation of a frontage to Moorthorpe Rise and the proposed play area (Plots 69-72) where there is not enough space for the plot, garden and access drive/parking to be provided in another manner. The courtyard is necessary to allow parking to the side of plots 69-72, but in a way that provides it as close and convenient as possible.
- 2.21 The existing turning head arrangements constrain the layout options, stopping a continuation of the street southward. This, together with the shape of the site boundaries creates an awkward shaped area but this design ensures that the important frontages are provided, outward looking to Moorthorpe Rise, masking the unattractive boundaries of the medical centre and providing an active frontage to Moorthorpe Rise and natural surveillance to the play area beyond.
- 2.22 The Council's evidence criticises the parking arrangements for the terraced and detached properties served by the courtyard, stating that some residents will need to walk past other people's houses to park or access their property. I'm not aware of many terraced streets in the UK where cars are not parked in front of other peoples' houses, this is a very common occurrence due to the nature of this building form. The parking courtyard arrangement improves this in comparison to a traditional terraced street with parallel parking, the only 'infringements' are some very minor overlaps between plots 62-65 in any case.
- 2.23 In terms of the density of the courtyard, the Council quotes a sample size which inflates/exaggerates the density. It is also noted that the Council argue under Main Reason D the scheme should be denser, but criticise the courtyard area for meeting those very aspirations. The inconsistency of argument is very apparent.

2.24 The 'urban heart' of the scheme is a more comparable sample, with the intention always to increase density in the central area and grade this around the edges. The plan below highlights a density of 38 dph in the 'urban heart' with this then reducing to 28 dph down to 25 dph at the woodland edge.



2.25 The increased separation distances (resulting in a reduction in density) are generally proposed in locations where back to back distances/relationships exist and are used to mitigate significant level changes. Back to back relationships don't exist around the doctors surgery so more standard garden sizes are proposed.

2.26 It is noted that the Council's evidence argues that plot sizes for the affordable houses are different but does not argue that they are not acceptable. The density of the 'urban heart' is 38 dph, this includes 12 affordable plots and 19 market houses which is well balanced between the tenures, rather than tighter forms of development being limited to just the affordable housing.

2.27 Building for Life 12 advocates a rule of thumb that garden sizes should be at least equal to the ground floor footprint of the house. A ratio of building footprint to garden sizes has been calculated for each plot in the 'urban heart' area. All plots within this area meet this 'rule of thumb' of having a garden at least equivalent to the building footprint and the ratio of built form to garden space is similar for both the market and affordable types, with an average of 45% (affordable) and 41% (market) as illustrated by the plan below. This ratio differs to the lower density northern edge of the site where garden sizes increase in response to levels and the relationship to the woodland but not due to the tenure of the houses.



2.28 Very few plots have a close relationship to the retaining wall along the southern boundary of the site. Plot 62 does, but this has a garden area which is over double the size of the footprint of the house so, it does have much more space than other plots. Plots 71-72 are market plots served by the courtyard and have similar sized gardens to plots 63-65, all of which are equal or larger than the footprint of the house. The Council did not refuse permission for reasons of amenity and the argument now put is not presented as such; it is an argument that affordable housing is different, not otherwise unacceptable.

### 3 Conclusion

- 3.1 In conclusion the above rebuttal evidence demonstrates the failure of the Council's evidence to appreciate the sloping character of the site and an understanding of the impact of topography and developing on a hillside despite the adjacent Woodland Heights development clearly demonstrating these challenges. The appeal proposal has sought to minimise engineering structures within the public realm precisely to preserve a green, open and less engineered character.
- 3.2 The failure to appreciate the topography and levels of the site also leads to a misunderstanding of the application of density which would be harmful to the amenity of future occupiers. Space is lost behind dwellings, largely hidden from the street which in mathematical terms reduces the density but as demonstrated in visual terms the areas of the site intended to feel more compact do so, largely due to the limited gaps between dwellings creating a sense of enclosure, allied to the appropriate use of taller 2.5 and 3 storey dwellings in key locations.
- 3.3 The affordable housing is set within the context of detached (integral garage or front parked) forms of market housing with very limited gaps between them. As such the affordable housing sit within areas where all buildings provide a strong sense of enclosure to the street. Parking arrangements for both affordable and market housing are the same and the ratio between building footprints and garden sizes are similar in what is intentionally a denser part of the site. As such it is maintained that the affordable housing is not identifiably different to the market housing, to any extent that could be described as harmful.
- 3.4 Overall, it is maintained that this rebuttal evidence demonstrates the thorough design process undertaken to understand the site and respond accordingly, creating the appropriate scale and massing of buildings in different locations, ensuring new residents have sufficient and appropriate private garden space and amenity and overall creating a scheme with legibility, a hierarchy of spaces and a sense of place.