



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 1 April 2014

Subject: Enforcement Report

Author of Report: Khalid Mahmood

Summary: Unauthorised erection of a first floor balcony at the rear of 85 Robin Lane, Sheffield, S20

Reasons for Recommendations:

Little progress has been made to resolve this issue and it is now considered that the matter should be reported for further enforcement action.

Recommendations:

That authority be given to the Director of Regeneration & Development Services or the Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised first floor balcony.

The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control

Background Papers: None

Category of Report: OPEN

1 APRIL 2014

ENFORCEMENT REPORT

UNAUTHORISED ERECTION OF A FIRST FLOOR BALCONY AT THE REAR OF 85 ROBIN LANE, SHEFFIELD, S20.

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform Committee Members of a breach of planning control and to make recommendations on any further action required.

2. BACKGROUND AND BREACH

- 2.1 85 Robin Lane is a three storey end terrace property located within a residential area. The ground floor of the property is being used as a hair dressers with separate living accommodation upstairs. The property lies within a Housing Area as designated in the Sheffield Unitary Development Plan.
- 2.2 A complaint has been received regarding a balcony that has been erected at the rear of the property. Officers have visited the site and noticed that a balcony had been erected at first floor level at the rear of the off shot extension.
- 2.3 Letters have been sent to the owner asking for the balcony to either be removed or an application to be submitted for formal consideration. An application 13/03528/FUL was submitted 17 October 2013 and is currently invalid. The architect acting on behalf of the owner on several occasions has assured officers that the details will be submitted to validate the application. Only after the threat of enforcement action some details have been submitted but not sufficient to validate the application.

3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 The property is located within a Housing Area as designated in the Sheffield Unitary Development Plan. Planning permission is required for raised a platform which is above 30 cm from ground level.
- 3.2 The first floor balcony projects 3.1 metres from the rear off shot extension and is 3.7 metres in width and the base is 3.2 metres high from ground level with the balustrade height of approximately 1.1 to 1.8

metres at the highest point. There are close boarded timber panels on both sides and clear glass panels at the front of the balcony.

- 3.3 It is considered that the height of the balcony and its close proximity to neighbouring properties has a level of overlooking and overbearing impact on the neighbouring gardens and properties. The panels other than the 1.8 metre panel closest to rear elevation are not high enough to protect overlooking into the ground floor windows at No 83 and the neighbouring rear gardens. The balcony is also visible form the street scene.
- 3.4 The modern design of the balcony is appropriate for the building; however, it is out of character with neighbouring buildings which do not have any high level structures and are all of a similar design.
- 3.5 Unitary Development Plan Policy H14 'Conditions on Development in Housing Areas' states that development should be well designed and in scale and character with neighbouring buildings and not deprive residents of privacy.
- 3.6 The supplementary Planning guidance: Designing House Extensions Guideline 1 indicates that development should be compatible with the character and built form of the area. Guideline 2 indicates that development should not detract from the general appearance of the street scene or locality and Guideline 6 states that extensions should protect and maintain minimum levels of privacy. The guideline also states that it is important to maintain the privacy of rear garden areas particularly near the house. Rear balconies that give wide views over neighbouring gardens will not be permitted.
- 3.7 The Photographs below show the property in question and clearly demonstrate the height of the balcony is potentially unacceptable as it creates overlooking and is out of character with other properties in the area.



4. REPRESENTATIONS

- 4.1 A complaint has been received regarding a large balcony at this property; the complaint is not from a local resident.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 172 of the Town and Country Planning Act 1990 enables the Local Planning Authority to issue Enforcement Notices where there has been breach of planning control. In this case the notice would require the removal of the balcony. There is a right of appeal to the Planning Inspectorate against the service of an Enforcement Notice. However it is considered that the Council would be able to successfully defend any such appeal.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no additional financial implications expected as a result of this report. If an appeal is made against the enforcement notice, costs can be made against the Council if it is shown that they have behaved “unreasonably” in the appeal process, it is unlikely that this will happen. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget.

7. EQUAL OPPORTUNITY IMPLICATIONS

- 7.1 There are no equal opportunities implications arising from the recommendations of this report.

8. RECOMMENDATIONS

- 8.1 That authority be given to the Director of Regeneration & Development Services or Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the balcony at 85 Robin Lane, Sheffield, S20.
- 8.2 The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.