



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Development Services

Date: 15 March 2016

Subject: Enforcement Report
46 Paddock Crescent S2 2AR

Author of Report: Fiona Sinclair

Summary: To inform committee members of a breach of the Planning Regulations and to make recommendations on any further action required.

Reasons for Recommendations:

To remedy the breach of Planning Control

Recommendations:

That the Director of Regeneration & Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of unauthorised treehouse at 46 Paddock Crescent

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:

Category of Report: OPEN

ENFORCEMENT REPORT

ERECTION OF AN UNAUTHORISED TREEHOUSE AT 46 PADDOCK CRESCENT S2 2AR

1. PURPOSE OF REPORT

- 1.1 To inform committee members of a breach of the Planning Regulations and to make recommendations on any further action required.

2. BACKGROUND

- 2.1 46 Paddock Crescent is a traditionally built two storey semidetached dwelling house located in a residential area of the city.
- 2.2 The property is located within a housing area, as identified in the UDP, and is currently being used as dwelling house.
- 2.3 A complaint, from a member of the public, was received, on 20 June 2014 concerning the erection of a treehouse in the property's rear garden
- 2.4 Correspondence was entered into with the owner, on 13 August 2014 explaining that because the treehouse has more than one storey and a ridge height of more than 4m above ground level, it was not considered to be permitted development and therefore would have required Planning Permission.
- 2.5 The owners did not respond to this initial letter and so on 6 January 2015 a Section 330 Notice was served by the Local Planning Authority.
- 2.6 To date no attempt has been made, by the owner to remove the treehouse or to try and regularise it by submitting an application for retrospective planning permission.

- 3 ASSESSMENT OF BREACH OF CONTROL
 - 3.1 The property is located within a housing area, as defined within the UDP.
 - 3.2 Unitary Development Plan Policy H14 (a), Conditions on Development in Housing Areas, requires that new buildings, and extensions, are well designed and in scale and character with neighbouring buildings.
 - 3.3 The treehouse is a timber-framed structure, with a pitched roof, and has been built around an existing willow tree, in the property's rear garden. It has been finished in green painted tongued and grooved weatherboards, and is immediately adjacent to the side boundary, between 46 and 48 Paddock Crescent. It is also clearly visible from the street, and also the public footpath which traverses an open space to the rear of the property, and overlooks the rear garden of 44 Paddock Crescent.
 - 3.4 Due to the fact that the treehouse has been built close to the side boundary, between 46 and 48, and because its height is significantly higher than is normally expected for outbuildings it is considered to be harmful to the amenities of the area and is, therefore, considered to be contrary to policies and H14 (a) of the UDP
 - 3.5 The photographs, below, demonstrate that this treehouse is excessively large overwhelms the tree, in which it is situated in, creating an over-dominating and visually obtrusive building, that causes visual harm to the amenities of the area.

Photograph 1

Treehouse as viewed from Paddock Crescent



Photograph 2

Taken from the rear garden of 46 Paddock Crescent



Photograph 3

The treehouse as view from the public footpath to the rear of the property



Photograph 4

Taken from the rear garden of 46 Paddock Crescent, showing the openings that overlook the garden to number 44



4. REPRESENTATIONS.

- 4.1 A complaint was received from a member of the public, on 20 June 2014, concerning the overbearing nature of the treehouse.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 171C of the Town and Country Planning Act provides for the service of a Planning Contravention Notice. The notice requires information about the breach of planning control and property ownership. It also gives an opportunity for the recipient to meet with officers to make representations. Such a meeting could be used to encourage regularisation by retrospective application and/or discussions about possible remedies where harm has resulted from the breach. In this case it is clear that the canopy is in breach of planning control and as such it is not considered that the serving of a PCN would be of any value.

- 5.2 Section 172 of the Act provides for the service of an enforcement notice (EN). In this case such a notice would require the removal of the canopy to make good the harm caused by the unauthorised development. There is a right to 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 EQUAL OPPORTUNITIES

- 6.1 There are no equal opportunity issues arising from the recommendations in this report.

7 FINANCIAL IMPLICATIONS

- 7.1 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 awarded against the Council if it is shown that they have behaved "unreasonably" in the appeal process, it is uncommon that this will happen. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget.

8.0 RECOMMENDATIONS

- 8.1 That the Director of Regeneration & Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised treehouse at 46 Paddock Crescent.
- 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.

Site Plan

