



## SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

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**Report of:** Director of Regeneration and Development Services

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**Date:** 03 September 2013

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**Subject:** Erection of Rear Extension at 17 Fielder Mews

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**Author of Report:** Lee Brook

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**Summary:**

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

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**Recommendations:**

That in light of the Government changes to the Town and Country Planning (General Permitted Development) Order, relating to the temporary relaxation of household permitted development limits for rear extensions and the absence of objections from immediate neighbours, the Director of Regeneration and Development Services or Head of Planning be authorised to take no further action pursuant to the committee resolution of 8th April 2013 in connection with the single storey 6m projecting rear extension at 17 Fielder Mews.

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**Background Papers:**

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**Category of Report:** OPEN

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**ENFORCEMENT REPORT**

ERECTION OF REAR EXTENSION, 17 FIELDER MEWS

1. PURPOSE OF THE REPORT

The purpose of this report is to update committee Members about a breach of planning control and to make recommendations on any further action required in light of Government changes to household permitted development and following committee resolution dated 8<sup>th</sup> April 2013 to take enforcement action.

2. LOCATION

- 2.1 The property is a modern brick built end terraced property on Fielder Mews, a residential road located within a fairly new housing estate off Bellhouse Road. The immediate area is characterised by modern houses and apartment blocks, all within a Housing Policy Area as defined by the Unitary Development Plan.

3. BACKGROUND

- 3.1 A 6m projecting single storey extension attached to the rear of the house was substantially completed about October 2012 without planning permission. It was built in two stages, the first being a 3m projection within the permitted development limits (PD) of the time. The builder incorrectly advised the owner that the household PD allowance had been relaxed to allow 6m projecting extensions without the need for planning permission. That temporary relaxation of PD was to become law later and was in force by 30<sup>th</sup> May 2013.
- 3.2 Following the builder's advice the extension was lengthened to the 6m projection. A complaint was received alleging that a separate self-contained two storey living accommodation was being constructed. The complainant is not a neighbour of no.17 Fielder Mews and he was motivated by concerns that a new dwelling was being created. The extension remained one storey when completed.
- 3.3 A retrospective planning application, ref,13/00412/FUL, was refused at committee 8<sup>th</sup> April 2013 with authority for enforcement action, taking into account the relevant Unitary Development Plan policy and Supplementary Policy Guidance for house extensions. The committee's resolution is reflected in the decision letter sent to the applicant, which reads as follows:

*'The Local Planning Authority considers that the extension as built is overbearing in relation to adjoining residential property resulting in an unacceptable effect on the living conditions of neighbouring occupiers. As such the extension is contrary to Policy H14 of the Unitary Development Plan and Guideline 5 of the Supplementary Planning Guidance on Designing House Extensions*

*The Local Planning Authority consider that the extension as built represents an overdevelopment of the application site leaving very little usable garden space, to the detriment of the character of the area and amenities of occupiers of the application property. As such the extension is contrary to Policy H14 of the Unitary Development Plan and Guideline 4 of the Supplementary Planning Guidance on Designing House Extensions.*

*The Director of Development Services or Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the single storey extension within 4 months of the issuing of an Enforcement Notice. The Local Planning Authority will be writing separately on this matter.'*

4. TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) ORDER 2013 - ('GPDO')
- 4.1 The amendments, (which are temporary for a period of 3 years), to the GPDO came into force on 30<sup>th</sup> May 2013. After this date an extension of up to 6m projection on a terraced or semi-detached house does not require planning permission subject to certain conditions. The conditions include a requirement of the developer to provide details of the proposal to the Local Planning Authority, (LPA). The LPA then notify owners or occupiers of the neighbouring property. If an objection is raised by any owner or occupier of adjoining property then a 'prior approval' is required from the Local Planning Authority (LPA) before work can commence.
- 4.2 Where a prior approval is needed, the LPA is required to assess the impact of the development on the amenity of all adjoining premises. The developer is required to submit sufficient information for the LPA to consider the proposal and a decision should be taken within 42 days.
- 4.3 The approach to the prior approval process would be guided by the existing approved policies set out in the Unitary Development Plan including Supplementary Planning Guidance for household extensions. The prior approval process is not a 'planning application'.
5. REPRESENTATIONS
- 5.1 One complaint was received 10<sup>th</sup> October 2012, from a local resident concerned that a large two storey extension was being built to form a new residential unit although the build remained single storey when completed and it was an addition to the existing house. The complainant is not a neighbour.

- 5.2 The usual neighbour notification letters were sent out, (Feb 2013), when retrospective planning application 13/00412/FUL was received but no representations were made in response, either for, against or neutral. Planning permission was refused 8<sup>th</sup> April 2013..
- 5.3 In light of the introduction of the new permitted development (PD) rights before the enforcement notice had been served, letters dated 10<sup>th</sup> June 2013 were sent to the neighbour's again, to ask if anyone wished to comment on the extension in terms of any ill effects on their amenity. No representations have been made. It is on this basis that the revised recommendation is made.

## 6. ASSESSMENT OF EVENTS AND ACTION TAKEN

- 6.1 The committee resolution to take enforcement action states that the unauthorised extension should be removed within 4 months of the date of issue of an enforcement notice. At the time of the committee meeting, it was not known for certain whether or not the Government proposal to amend the GPDO would become law, or if the proposal would be dropped as a result of consultations carried out. The committee was mindful of this when setting the timescale.
- 6.2 An enforcement notice (EN) could not be served before the 30<sup>th</sup> May change over date between existing permitted development (PD) limits and the new temporary PD limits. An EN takes 28 days to come into force from the date of issue. It was also likely, taking into account talks with the applicant's agent, that the EN would have been appealed, which delays the notice coming into effect until the appeal decision is reached, (usually about 6 months or so).
- 6.3 The EN would come into force, in any event, at a time when the 6m extension could have been considered to be PD under the new rules subject to neighbour notifications not raising any objections, (see paragraph 5.3 and 6.4).
- 6.4 Having regard to the recent changes it is proposed that no further action be taken against the extension for the following reasons
- (a) After the committee decision was made and following the introduction of the new temporary PD limits, (three weeks later), letters were sent to the neighbouring properties explaining that enforcement action was authorised to remove the extension and further explaining the changes to PD. The letter asked if there were any objections to the 6m extension. This extra consultation letter was similar to that required under the new PD conditions, which were in force by then.
- (b) It is 7 weeks since the extra consultation letter was sent and no objections have been received.

- (c) If the extension was wholly taken down or part taken down, (to the usual 3m projection), it could be immediately rebuilt to the new 6m PD limit, provided no objections were received from neighbours, following a prior notification process.
- (d) The 6m PD limit and absence of neighbour representation could be taken into account by any Planning Inspector at appeal.

## 7 EQUAL OPPORTUNITIES

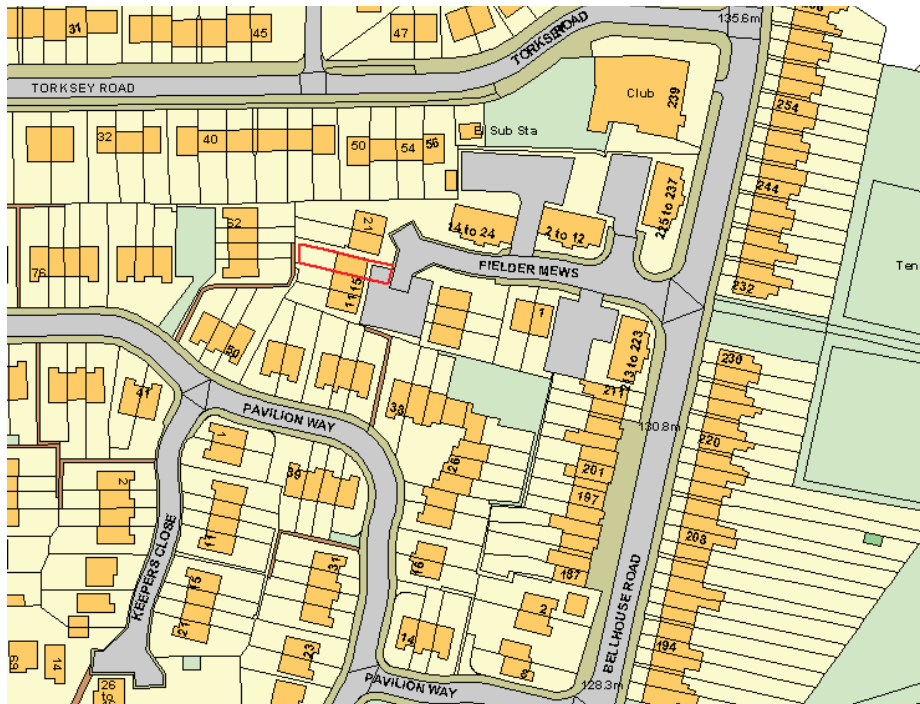
- 7.1 There are no equal opportunity implications arising from the recommendation in this report.

## 8 FINANCIAL IMPLICATIONS

- 8.1 There are no financial implications arising from the recommendation in this report.

## 9 RECOMMENDATION

- 9.1 That in light of the Government changes to the Town and Country Planning (General Permitted Development) Order, relating to the temporary relaxation of household permitted development limits for rear extensions and the absence of objections from immediate neighbours, the Director of Regeneration and Development Services or Head of Planning be authorised to take no further action pursuant to the committee resolution of 8<sup>th</sup> April 2013 in connection with the single storey 6m projecting rear extension at 17 Fielder Mews.



David Caulfield  
Head of Planning

31 July 2013

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