



## **SHEFFIELD CITY COUNCIL Planning & Highways Committee Report**

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

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**Date:** 17<sup>th</sup> December 2013

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**Subject:** Enforcement Report

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**Author of Report:** Lee Brook

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**Summary:** Unauthorised erection of a raised patio at 41 Park Grange Mount

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**Recommendations:**

**That the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal to secure the removal of the unauthorised raised patio development.**

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

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**Background Papers:**

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**Category of Report:** OPEN

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## **ENFORCEMENT REPORT**

### **UNAUTHORISED ERECTION OF A RAISED PATIO, 41 PARK GRANGE MOUNT**

#### **1. PURPOSE OF THE REPORT**

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

#### **2. BACKGROUND**

2.1 Complaints have been received from two separate sources highlighting overlooking and privacy problems due the unauthorised development of the back garden at 41 Park Grange Mount, (41PGM).

2.2 A visit to the house reveals that the back garden rises steeply and in order to create a larger flat and useable area the owner of 41PGM, has built a raised patio / deck area. The height above ground level means that it is development that requires a planning application .

2.3 Following initial difficulties, contact with the owner's son was established and planning advice was offered to him, which contained expressions of doubt about whether the patio was something that officers could support. The concerns raised are significant overlooking of neighbouring gardens at both sides without an apparent acceptable screening solution.

2.4 The owner's son advised that he was asked to deal with the matter on his parents behalf and he stated that they wished to apply for retrospective planning permission in spite of officer advice. Time has been allowed for this but to date no application has been made.

#### **3. ASSESSMENT OF THE BREACHES OF CONTROL**

3.1 The house is a three storey townhouse, standing in a row of 6 similar houses built in the last few years. It is set at the northern edge of the renewed Norfolk Park estate. These six houses are of the same design; three storey at the front and two storey at the back due to level changes in the land on which they are built, which rises from front to back. The rear garden of 41PGM has a level area immediately outside

the back door extending approximately 5m out and the rest of the garden rises up and away from the rear elevation. The rear gardens at the neighbouring houses are of similar length, approximately 9m and of similar gradients.

- 3.2 Under the General Permitted Development Order, (GPDO), household permitted development allows for raised platforms without the need for a planning application up to a height of 30cm above natural ground level.
- 3.3 This unauthorised raised patio, (or platform), is approximately 1.7m above ground level at the highest point. Due to the rising land this reduces to nil. The patio is supported at the front edge by the 1.7m high breeze block wall, which is painted to blend with the existing fences on either side boundary. The access to the raised area is up newly constructed steps, also made from breeze blocks. This new, high level patio extends a significant amount, enough to be a useful useable and level amenity area as part of the garden. Due to difficulties in arranging further contact with the owners for a more detailed site inspection, this can only be estimated at approximately 4m in depth. More accurate measurements can be taken from a neighbouring garden at some time later but 4m will be close to the correct figure.
- 3.4 Standing on the patio gives clear wide ranging views over and into neighbouring gardens. It also allows greater views into windows of neighbouring houses than would otherwise be the case.
- 3.5 Policy H14 (Conditions on Development in Housing Areas) of the Unitary Development Plan (UDP) states that new buildings and extensions should be well designed and should be in scale and character with neighbouring buildings and that sites should not be overdeveloped or deprive residents of light or privacy. This is further reinforced in Guideline 6 of the Supplementary Planning Guidance (SPG) on Designing House Extensions which recognises that it is important to maintain the privacy of rear garden areas particularly near the house. It goes on to state that balconies giving wide views over neighbouring gardens or creating other privacy problems will not be permitted.
- 3.6 It is considered that the raised platform contravenes both Policy H14 of the UDP and Guideline 6 of the SPG for the reasons given earlier in this report.
- 3.7 Officers have considered whether the overlooking problem could be resolved with side screens to protect privacy of neighbouring gardens. Under the GPDO it is permitted to erect a fence of up to 2m high from original ground level without a planning application. In this case a much greater height would be required from ground level or a screen could be erected on top of the platform. It is considered that such,

(effective), screening would lead to unacceptable bulk and dominance of the structure on the neighbouring gardens and possibly overshadowing. Furthermore side screens would not prevent overlooking of the areas close to the houses. An additional third screen would be needed at the front edge of the platform, effectively enclosing it on three sides, leaving only the back open.

#### 4. REPRESENTATIONS

- 4.1 Complaints have been received from two local residents at two separate properties. The complaints both relate to overlooking and privacy issues.

#### 5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 171C of the Town & Country Planning Act 1990, ('the Act') provides for the service of a Planning Contravention Notice, (PCN). It requires information about the breach of control and property ownership. It also gives an opportunity to meet with officers to make representations. Such a meeting can be used to encourage regularisation and/or discussions about possible remedies where harm has occurred. In this case regularisation is not being recommended.
- 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 raised patio.

#### 6. EQUAL OPPORTUNITIES

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

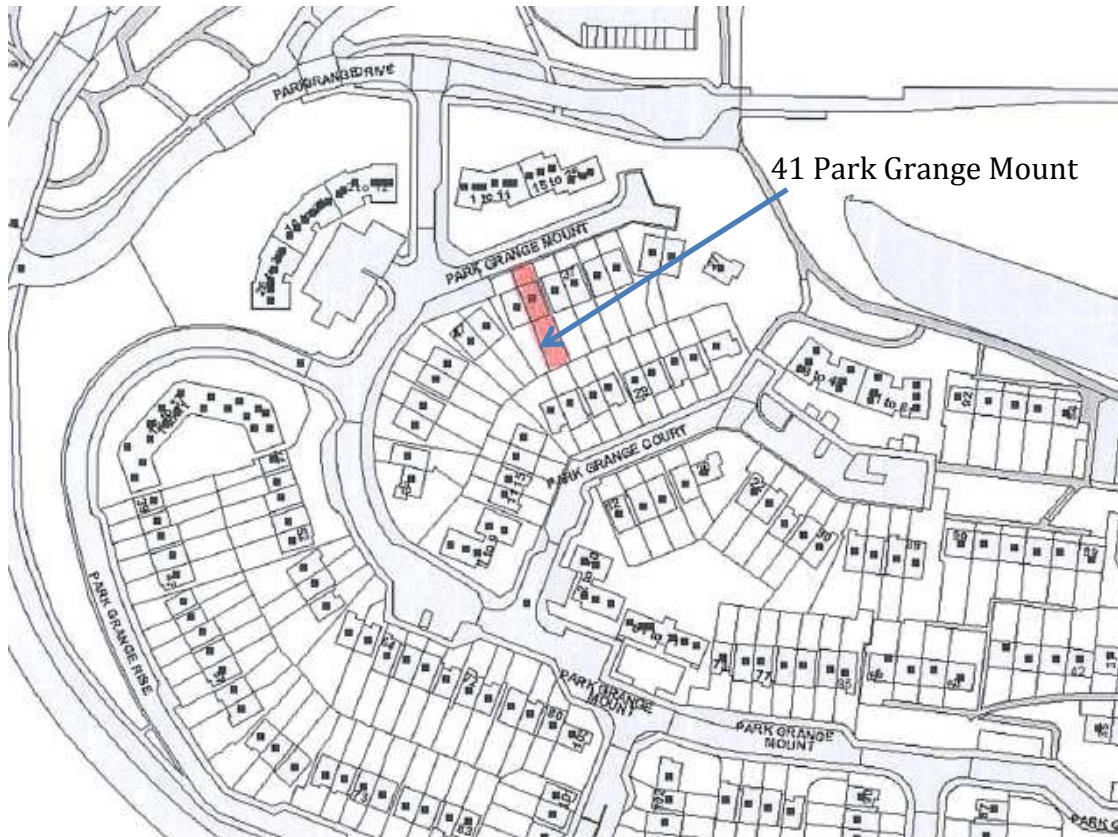
#### 7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications arising from the recommendations in this report.

#### 8. RECOMMENDATION

- 8.1 That the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal to secure the removal of the unauthorised raised patio development.
- 8.2 The Head of Planning is designated 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



Maria Duffy  
Interim Head of Planning

18 November 2013

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