

## ENFORCEMENT REPORT

### UNAUTHORISED REPLACEMENT OF ROOF TILES, GUTTERING AND FASCIA AT 14 CROOKES ROAD AND REPLACEMENT GUTTERING AND FASCIA AT 12 CROOKES ROAD IN BROOMHILL CONSERVATION AREA.

#### 1. PURPOSE OF THE REPORT

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

#### 2. BACKGROUND AND LOCATION

- 2.2 14 Crookes Road and 12 Crookes Road are traditional mid 19<sup>th</sup> Century two storey stone built terraced properties forming part of the curved terrace at the junction with Whitham Road, Nile Street and Fulwood Road in the Broomhill Conservation Area and lie within a District Shopping Area as designated in the Unitary Development Plan. The properties are also subject to the Broomhill Article 4(1) Area and Article 4 (2) area respectively.
- 2.3 14 Crookes Road is a ground floor retail unit with associated storage on the first floor. The owner has replaced the roof at the front of the property facing the highway with artificial tiles and replaced the wooden gutter with a black upvc gutter and white upvc fascia. The changes materially affect the appearance of the property and it requires a planning application.
- 2.4 12 Crookes Road is a four bed residential property and as such it is covered by the Article 4 (2) Direction which removes permitted development rights to the front of the property. The wooden gutter at the front of the property facing the highway has been replaced with black upvc guttering and with upvc white fascia.
- 2.5 An anonymous complaint was received in June 2012 advising planning enforcement that the roof at 14 Crookes Road had been replaced with artificial slates. An officer visited the site and confirmed the roof had recently been replaced with what appeared to be artificial roof slates but this could not be determined as although the roof was complete, scaffolding remained and prevented identifying the slates as artificial. A letter was sent to the owner of the property to advise them of the potential breach and requested they contact planning enforcement.
- 2.6 A response was received from Solicitors acting on behalf of the owner who lives overseas. They advised that Sheffield City Council's Private Housing Standards

had requested the repair of the original roof as its poor condition was a health and safety concern to its residents and adjoining properties. If no work was carried out to prevent water penetration, enforcement action was threatened under the Environmental Protection Act. A roofer advised repair was not possible as the roof was in poor condition, effectively covered entirely in bitumen coating.

- 2.7 Planning enforcement confirmed that although the demand to repair the roof was placed on the owner, any means used to rectify the situation are still subject to the relevant regulations, including planning control.
- 2.8 In October, the Solicitor confirmed the tiles were artificial slate. In response, we advised that the owner should submit a planning application for more suitable natural slate tiles within 28 days of the date of the letter.
- 2.9 A planning consultant contacted enforcement in November 2012. They were advised that artificial slates would not be an acceptable proposal and discussed further details with a planning officer. The consultant advised that a planning application would be submitted.
- 2.10 In March 2013 no application had been received and the consultant was contacted for an update but no response was received. In April 2013 a letter was sent to the solicitor for an update having had no response from the consultant. In May 2013 the solicitor advised they were awaiting instruction from their client.
- 2.11 The consultant later confirmed that they were no longer dealing with the case. The solicitor had not received any further instruction from their client but confirmed they would attempt to forward our correspondence on to the owner.
- 2.12 Comparing 2010 photos with present day photos it is also apparent that the traditional wooden guttering running across both 12 and 14 Crookes Road has been replaced with plastic guttering and with a white upvc fascia board running across the width of both properties. The managing agents at number 12 suggest this was replaced approximately 2 years ago. The owners have been advised that a planning application is required for a replacement gutter using more appropriate materials. The properties are separately owned.

### 3 ASSESSMENT

- 3.1 The properties are set within a District Shopping Centre and the Broomhill Conservation Area. The application is to be assessed, therefore, against Unitary Development Plan policies S10, BE5, BE15, BE16 and BE17.
- 3.1 In March 2009, the Core Strategy Policy Document was adopted and this forms part of the Sheffield Development Framework, which is in accordance with the principles of the National Planning Policy Framework. Core Strategy policy CS74 is therefore also relevant to the assessment of these changes.
- 3.3 UDP policy S10 'Conditions on Development in Shopping Areas' and BE5, state that any development will be high quality and well designed and of a scale and

nature that is appropriate to the site that enables a proposal to fit in comfortably with their surroundings, without being detrimental to the visual amenities of the area. Similarly, policy CS74 of the Core Strategy further reiterates the need for high quality designs and strengthens the Local Planning Authority's position regarding the preservation of Sheffield's built heritage.

- 3.4 Policy BE15 Areas and Buildings of Special Architectural or Historic Interest, says that development that would harm the character or appearance of Conservation Areas will not be permitted. Policy BE17 Design and Materials in Areas of Special Architectural or Historic Interest, requires a high standard of design using traditional materials with Policy BE16 Development in Conservation Areas, stating that development in Conservation Areas is required to preserve or enhance the character and appearance of that Conservation Area.
- 3.5 The Broomhill Conservation Area Appraisal which was adopted on 17 December 2007 refers to the loss of natural roof slate as a small scale alteration to properties that has incrementally eroded the character of the Conservation Area.
- 3.6 The loss of traditional materials and design features threatens the character and appearance of the Conservation Area, and is in direct conflict with the purpose of the Article 4(2) direction.
- 3.7 The roof tiles used at number 14 are made from a cement base and have a uniform, shiny, unnatural appearance which contrasts strongly with the natural appearance of neighbouring roofs as can be seen in the photos.
- 3.8 The upvc guttering and white fascia do not in any way reproduce the design features of the traditional black detailed timber gutter that has been removed. The fascia is a modern addition to the traditional row of terraces.
- 3.9 Officers consider that the artificial tiles and UPVC guttering and fascia are inappropriate modern materials and of poor design in any conservation area and as such are contrary to policies S10, BE5, BE15, BE16 and BE17 of the Unitary Development Plan and CS74 of the Core Strategy for Sheffield.
- 3.10 The photo images below show the properties in question before and after the changes and demonstrate that the unauthorised changes are not appropriate for the property and their appearance is deemed not to be in keeping with the character of the Conservation Area.

#### 4 REPRESENTATIONS

- 4.1 One anonymous complaint was received about the replacement roof.

#### 5 ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 The service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 enables the Local Planning Authority to issue

Enforcement Notices where there has been a breach of planning control. In this case the notices would require remedial measures to ensure that the perceived harm is remedied. In this case this would be that the artificial roof slates and the gutter and fascia are removed at 14 Crookes Road and that the gutter and fascia at 12 Crookes Road is removed. There is a right of appeal to the Planning Inspectorate against the service of an Enforcement Notice. Appeal decisions however have supported the Council in taking similar action.

## 6 EQUAL OPPORTUNITIES

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

## 7 FINANCIAL IMPLICATIONS

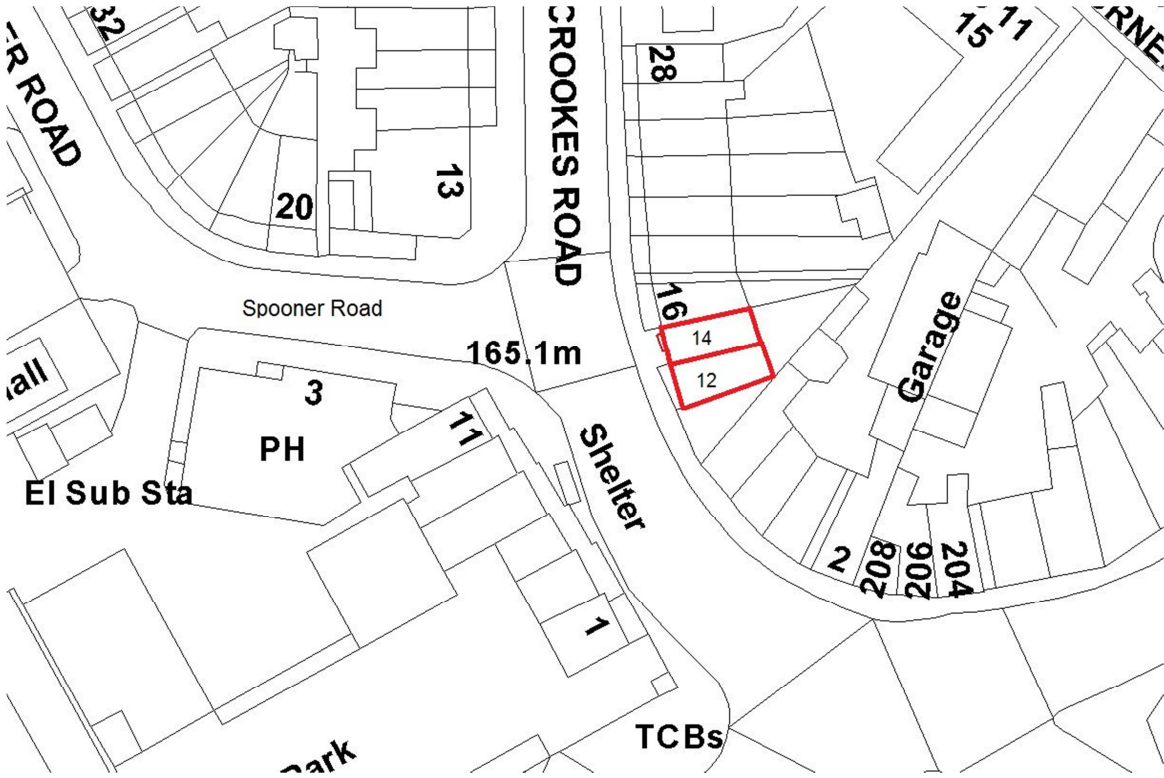
- 7.1 There are no financial implications arising from the recommendations in this report.

## 8 RECOMMENDATION

- 8.1 That authority be given to the Director of Regeneration and 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 artificial roof tiles, guttering and fascia at 14 Crookes Road and guttering and fascia at 12 Crookes Road.
- 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 & PHOTOS

Appendix A - Number 12 & 14 Crookes Road Outlined in Black



Appendix B – Photo of 12 & 14 Crookes Road 2012



**Appendix C, 14 Crookes Road & part 12 Crookes Road 2010 with existing roof and wooden guttering.**



**Appendix D, Traditional row with 14 Crookes Road in contrast far right.**



David Caulfield  
Head of Planning

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