



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of Development Services

Date: 15th July 2014

Subject: Enforcement Report

Author of Report: Abby Wilson

Summary: Unauthorised replacement of driveway, Article 4 (2) Direction, Nether Edge Conservation Area

Reasons for Recommendations

Officers consider that the driveway fails to preserve or enhance the character of Nether Edge Conservation Area and as a result is contrary to the aims of the policies BE5, BE15, BE16, BE17 and H14 of the Unitary Development Plan.

Recommendations

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 hard standing to the property forward of the principal elevation.

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

UNAUTHORISED REPLACEMENT OF DRIVEWAY, ARTICLE 4 (2) DIRECTION, NETHER EDGE 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

- 2.1 20 Glen Road is situated within the Nether Edge Conservation Area and is covered by the Article 4 (2) Direction. The property is a semi-detached property in mock Tudor style. The property has a front garden and driveway that runs along the west of the property.
- 2.2 Two complaints were received in June 2013 stating that a new driveway had been laid at the property. After investigation it was discovered that the concrete hard-standing had been replaced and a small red brick wall erected behind the traditional boundary wall to create a bedding area. The hard-standing lies to the front of the property and the driveway that leads to a garage at the rear.
- 2.3 The new hard-standing consists of red brick paviors with black and yellow brick detailing around the border and the number 20 is detailed in yellow brick in the entrance area of the driveway. Please see the photos for details.
- 2.4 The article 4 (2) Direction removed permitted development rights from development facing the highway and as such the hard-standing forward of the front elevation is unauthorised. The materials and design are not in keeping with the traditional characteristics of the area.
- 2.5 A letter was sent to the owners to advise them that the Article 4 Direction removed permitted development rights from the front of the property and the hard-standing was not acceptable. The builder called the office on behalf of the owners. He requested a planning application form and examples of suitable materials for the area, these were hand delivered in August 2013.
- 2.6 In October 2013, a letter was received from a building consultant who was acting on behalf of the owners. They stated that the owners were not aware of the Article 4 and other drives in the area were not traditional therefore they should not be made to make any amendments. A letter was sent in response to re-state the Council's position. No further correspondence has been made.

3 ASSESSMENT

- 3.1 The property is set on a residential street within a designated Housing Area and the Nether Edge Conservation Area. The issue is to be assessed, therefore, against Unitary Development Plan policies H14, BE5, BE15, BE16 and BE17.
- 3.2 UDP policy H14 permits new development that is in scale and character with neighbouring buildings and BE5 states 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 its 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.
- 3.3 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.
- 3.4 The Nether Edge Conservation Area Appraisal was adopted in 2005 and refers to the loss of original architectural features and poor quality replacements which have eroded the quality of the Conservation Area. This was one of the reasons for the introduction of the Article 4 direction in late 2005, which limits certain permitted developments.
- 3.5 The incremental loss of such traditional features threatens the character and appearance of the Conservation Area, and is in direct conflict with the purpose of the Article 4(2) direction. The aim of the direction is to halt the erosion of traditional character, by exerting greater control, and to gradually restore it with suitable alterations that enhance the appearance of the Conservation Area. The works undertaken are typical examples of the alterations identified by the Conservation Area Appraisal as having a negative impact on the conservation area.
- 3.6 The Conservation Area Appraisal states that using non-traditional paving materials has been a serious concern and identifies that some new residential driveways have been created with harsh new brick paviers.
- 3.7 Given the circumstances the driveway fails to preserve or enhance the character of Nether Edge Conservation Area and as a result is contrary to the aims of the policies BE5, BE15, BE16, BE17 and H14 of the Unitary Development Plan.
- 3.8 The photo images below show the property in question before and after the changes and clearly demonstrate that the unauthorised driveway is not appropriate for the property and its appearance is deemed not to be in keeping with the character of the Conservation Area, where traditional surface treatments include cobbles and natural stone.

4 REPRESENTATIONS

- 4.1 Two complaints were received in June 2013 concerned that planning permission had not been sought and that the new hard-standing was detrimental to the traditional character of the area

5 ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 172 of the Town and Country Planning Act 1990 enables the Local Planning Authority to issue an Enforcement Notice where there has been a breach of planning control. The notice would require remedial measures to ensure that the perceived harm is remedied. In this case this would be that the hard-standing, forward of the principal elevation, is removed at 20 Glen Road. 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 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 uncommon that this will happen. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget.

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 hard standing to the property forward of the principal elevation.
- 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 – Site Plan



Maria Duffy
Interim Head of Planning

19th May 2014

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