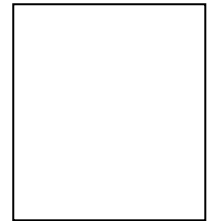




SHEFFIELD CITY COUNCIL Planning & Highways Committee Report



Report of: Director of Regeneration & Development Services

Date: 26 May 2015

Subject: Enforcement Report
352 Sharrow Lane

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 uPVC window frames at 352 Sharrow Lane

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

INSTALLATION OF UPVC WINDOWS IN THE NETHER EDGE CONSERVATION AREA AT 352 SHARROW LANE

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

- 2.1 352 Sharrow Lane is a three storey stone built residential property that has at some time in the past been converted into self-contained flats.
- 2.2 A complaint, from a member of the public, was received on 29 October 2014 concerning the installation of new uPVC windows in the Sharrow Lane elevation of the ground floor flat.
- 2.3 A site visit was made that same day and the contractors, who were installing the windows, were advised that the property is in a conservation area; and that because of this, the placement of the existing timber box sash window with uPVC frame would not be considered as being acceptable by the Local Planning Authority. They were also advised to stop work until a further site meeting could be arranged to discuss this matter with the property owner.
- 2.4 Following this initial visit, the property owner was contacted and made aware of the situation, and a further site meeting was arranged to discuss the situation.
- 2.5 This site meeting took place on the 27 November 2014 where it was explained to the owner that because the property is situated in the Nether Edge Article 4 and Conservation Area, any replacement windows that were replaced would have to be in timber and match the style of the original sliding box sash window, in spite of the fact the windows on the first and second floors had been replaced with uPVC frame approximately 12 years ago.
- 2.6 A further meeting took place in January 2015, between the owner, planning enforcement officers and a conservation officer in which

further help and advice was offered on how the matter could be resolved in a manner that would be acceptable to all parties involved. However, to date, the owner has declined to replace the uPVC frames with ones that will be more in keeping with the historic character of Conservation Area.

3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 The property is located within the Nether Edge Conservation Area and Housing Area, as designated in the adopted Unitary Development Plan. The property is also within the area covered by the Article 4(2) Direction.
- 3.2 Unitary Development Plan Policy BE5 'Building Design and Siting' states that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions and all extensions should respect the scale, form, detail and materials of the original building.
- 3.3 Unitary Development Plan Policy BE15 'Areas and Buildings of Special Architectural or Historic Interest' states that buildings and areas of architectural or historic interest which are an important part of Sheffield's heritage will be preserved or enhanced. Development which would harm the character, or appearance, of Listed Buildings, Conservation Areas or Areas of Special Character will not be permitted.
- 3.4 Policy BE16 of the adopted Unitary Development Plan states "In Conservation Areas permission will only be given for proposals which...would preserve or enhance the character or appearance of the conservation area."
- 3.5 The uPVC windows, as installed, although of similar properties lack the character and detailing of the original timber windows. They have a modern construction utilising mitred joints, meeting rails that do not meet and utilise glazing beads rather than putty as a method of fixing the glazing in place. The opening lights are also hinged rather than the more traditional sliding sashes, and will be very prominent when open. Therefore, the windows are considered to be visually intrusive and do not respect character of the property in which they are installed, nor do they preserve or enhance the character, or appearance of the street scene.
- 3.6 The overriding character of properties, in the Nether Edge Conservation Area, is one of traditional timber box sliding sash windows, traditional timber doors and traditional building materials, and therefore, the use of uPVC window frames are considered to be

contrary to the requirements of policies BE5 and BE15, and BE16 of the UDP.

- 3.7 The photographs, below show the unauthorised windows and the appearance, of the property prior to the work being carried out.

Photograph 1



Photographs 2&3 showing the property prior to the installation of the windows



4. REPRESENTATIONS.

- 4.1 One complaint has been received about the operations on site; and refer to the installation of the uPVC windows in the Sharrow Lane elevation of the property's ground floor flat.

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 windows are in breach of planning control, and meeting have taken place between representatives of the Local Planning Authority and the owner; and therefore, 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 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.

8.0 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 uPVC window frames and their replacement with more acceptable timber sliding box sliding sash windows.
- 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



Maria Duffy
Head of Planning Service

14/05/2015

This page is intentionally left blank