



**REPORT TO CITY CENTRE, SOUTH AND EAST PLANNING AND HIGHWAYS AREA COMMITTEE**

**DATE** 3 SEPTEMBER 2012

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**REPORT OF** DIRECTOR OF DEVELOPMENT SERVICES

**ITEM** 8

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**SUBJECT** ENFORCEMENT REPORT

UNAUTHORISED REPLACEMENT OF ROOF TILES TO THE FRONT AND SIDE OF 1 ALBANY ROAD, S7.

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**SUMMARY**

THE PURPOSE OF THIS REPORT IS TO INFORM COMMITTEE MEMBERS OF A BREACH OF PLANNING CONTROL AND TO MAKE RECOMMENDATIONS ON ANY FURTHER ACTION REQUIRED.

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**RECOMMENDATIONS**

THAT AUTHORITY BE GIVEN TO THE DIRECTOR OF 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 UNAUTHORISED ROOF TILES AND THEIR REPLACEMENT WITH A NATURAL ROOF SLATE, SUBSTANTIALLY SIMILAR TO THOSE THAT EXISTED PREVIOUSLY.

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**FINANCIAL IMPLICATIONS**

NO

**PARAGRAPHS**

**CLEARED BY**

CATHERINE RODGERS

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**BACKGROUND PAPERS**

**CONTACT POINT FOR ACCESS**

KHALID MAHMOOD

**TEL NO:** 203 7758

**AREA(S) AFFECTED**

**CATEGORY OF REPORT**

OPEN

CLOSED  
Paragraphs(s)

3 SEPTEMBER 2012

## **ENFORCEMENT REPORT**

UNAUTHORISED REPLACEMENT OF ROOF TILES TO THE FRONT AND SIDE OF 1 ALBANY ROAD, S7.

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

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

### **2. BACKGROUND AND BREACH**

- 2.1 1 Albany Road is a traditional two storey stone built detached property located at the corner of Albany Road and Chippinghouse Road. The property is located within the Nether Edge Conservation Area and a Housing Area as designated in the Unitary Development Plan. The property is also within the Nether Edge Article 4(2) Area.
- 2.2 An Officer noticed the original natural roof slates being replaced with artificial slate on the 14 June 2012 without planning consent. A meeting was arranged with the owner of the property. In the meeting the owner was informed that there are no permitted development rights for alterations to dwelling houses fronting the highway. Therefore the replacement of the original natural roof slates facing Albany Road and Chippinghouse Road was unauthorised.
- 2.3 The owner was informed that the artificial roof slates should be replaced with a natural slate and if this was not carried out then the matter will be reported for further enforcement action. To date, the roof slates have not been replaced with natural slate.

### **3. ASSESSMENT OF BREACH OF CONTROL**

- 3.1 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.
- 3.2 Unitary Development Plan Policy BE15 'Areas and buildings of special architectural or Historical Interest' states that development which would harm the character or appearance of a Conservation Area will not be permitted.

- 3.3 Unitary Development Plan Policy BE16 'Development in Conservation Areas' states that in Conservation Areas permission will only be given for proposals which contain sufficient information to enable their impact on the area to be judged acceptable and which would preserve or enhance the character or appearance of the Conservation Area.
- 3.4 Unitary Development Plan Policy BE17 'Design and Materials in Areas of Special Architectural or Historic Interest' requires a high standard of design using traditional materials.
- 3.5 Unitary Development Plan Policy H14 'Condition on Development in Housing Areas' states that developments should be well designed and in scale and character with the neighbouring buildings.
- 3.6 The previous roof tiles were of natural slate. The replacement roof tiles are artificial. The roof tiles used are made from a cement base and have a uniform, shiny, unnatural appearance, which contrasts strongly with the natural appearance of neighbouring roofs. It is considered that these materials are inappropriate within this conservation area.
- 3.7 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.
- 3.8 Given the circumstances the roof tiles fail to preserve or enhance the character of Nether Edge Conservation Area and as a result are contrary to the aims of the policies BE5, BE15, BE16, BE17 and H14 of the Unitary Development Plan. Therefore it is highly unlikely that planning permission would be granted should an application be submitted to retain the roof slates.
- 3.9 The photo images below show the property in question after the changes and clearly demonstrates that the unauthorised roof tiles are not appropriate for the property. The roof tiles have a shiny appearance which contrasts strongly with the natural appearance of neighbouring roofs.



- 3.10 The Enforcement Notice would require the replacement of the unauthorised roof tiles to the front and side of the property facing Albany Road and Chippinghouse Road with appropriate natural slate suitable to meet conservation standards within a specified time period.

4. REPRESENTATIONS

- 4.1 An Officer noticed the unauthorised roofing works being carried out within an Article 4 area.

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 breach of planning control. In this case the notice would require remedial measures to ensure that the perceived harm is remedied. In this case this would be that the roof tiles to the front and side of the property facing Albany Road and Chippinghouse Road are replaced with appropriate natural slate. There is a right of appeal to the Planning Inspectorate against the service of an Enforcement Notice. However recent appeal decisions have supported the Council in taking similar action.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising from the recommendations of this report

7. EQUAL OPPORTUNITY IMPLICATIONS

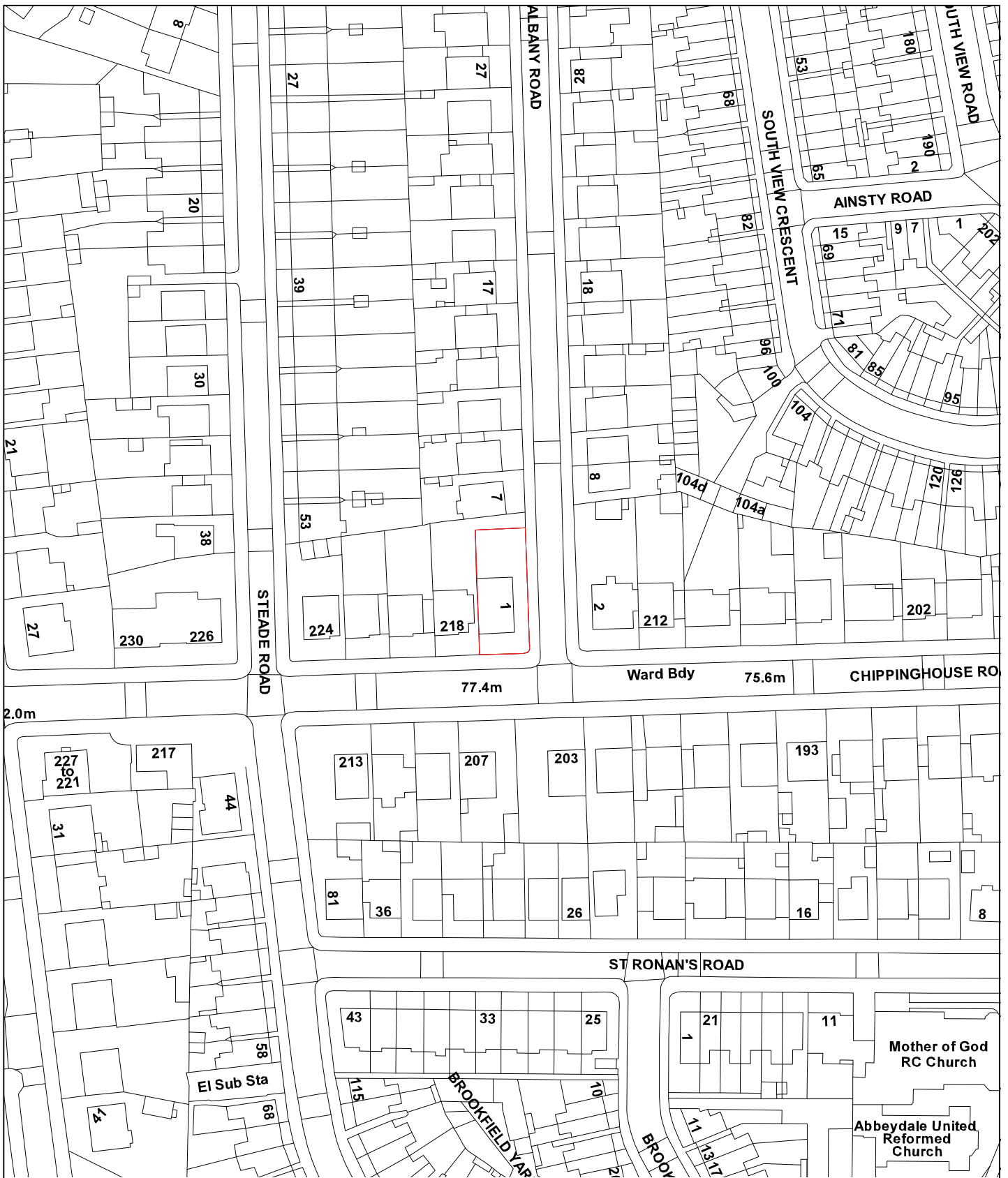
- 7.1 There are no equal opportunities implications arising from the recommendations of this report.

8. RECOMMENDATIONS

- 8.1 That authority be given to the Director of 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 unauthorised roof tiles and their replacement with a natural roof slate, substantially similar to those that existed previously.

D Caulfield  
Head of Planning

22 August 2012

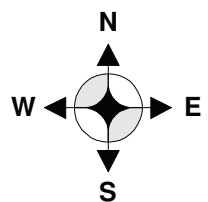


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