



SHEFFIELD CITY COUNCIL PLACE

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

DATE 15 OCTOBER 2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM

SUBJECT ENFORCEMENT REPORT

UNAUTHORISED REPLACEMENT OF WINDOWS TO THE FRONT AND SIDE OF 2 ALBANY ROAD,
S7, FACING ALBANY ROAD AND CHIPPINGHOUSE ROAD

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.

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 WINDOWS.

FINANCIAL IMPLICATIONS

NO

PARAGRAPHS

CLEARED BY

CATHERINE RODGERS

BACKGROUND PAPERS

CONTACT POINT FOR ACCESS KHALID MAHMOOD

TEL NO: 203 7758

AREA(S) AFFECTED

CATEGORY OF
REPORT

OPEN

CLOSED
Paragraphs(s)

15 OCTOBER 2012

ENFORCEMENT REPORT

UNAUTHORISED REPLACEMENT OF WINDOWS TO THE FRONT AND SIDE OF 2 ALBANY ROAD, S7. FACING ALBANY ROAD AND CHIPPINGHOUSE ROAD

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 2 Albany Road is a traditional two storey stone built detached property 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 A complaint was received on the 1 February 2011, regarding the replacement of windows at the property. A subsequent site visit was carried out and it was noticed that the original timber windows to the front and side of the property facing Albany Road and Chippinghouse Road had been removed and replaced with top opening UPVC windows.
- 2.3 A letter was sent to the owners informing them that within the Article 4(2) area, there are no permitted development rights for alterations to dwelling houses fronting the highway. Therefore the replacement of the windows facing Albany Road and Chippinghouse Road without planning permission was unauthorised. It was suggested to the owners that a planning application for a more appropriate replacement should be submitted for the Council's consideration. To date, no planning application has been received.

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 windows were timber top hung, casement or non-open able. The replacement windows are now all white UPVC with top hung opening.
- 3.7 It is considered that the unauthorised new UPVC windows are of an unsatisfactory appearance due to the poor design and detailing. The traditional styles of windows in this area were timber sliding sash. One of the most important aspects of these are the top sash that projects over the bottom sash and the method of opening which has not been replicated in these replacements. This has the effect of a flush appearance. The second important characteristic is the slender box frame. The replacements have lost this slender detail and have a much heavier chunky appearance to the frames. As the windows have a non-traditional method of opening this is further exacerbated when the windows are left in the open position.
- 3.8 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.
- 3.9 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.

- 3.10 Given the circumstances the windows 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.
- 3.11 The photo images below show the property in question before and after the changes and clearly demonstrates that the unauthorised windows are not appropriate for the property and their appearance is deemed not to be in keeping with the character of the Conservation Area.

Before changes photographs taken in October 2006



After changes photograph taken on 14 February 2012

Albany Road elevation



Chippinghouse Road elevation



3.12 The Enforcement Notice would require the removal of the unauthorised windows on the elevation facing Albany Road and Chippinghouse Road within a specified time period.

4. REPRESENTATIONS

4.1 A complaint was received about the replacement of windows and door 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 windows on the elevation facing Albany Road and Chipinghouse Road are removed. 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 windows.

D Caulfield
Head of Planning

3 October 2012

