

**REPORT TO CITY CENTRE SOUTH &
EAST AREA PLANNING & HIGHWAYS
COMMITTEE**

DATE 11 JUNE 2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM

SUBJECT 2 TO 12 SUMMERFIELD, ASHDELL ROAD, SHEFFIELD, S10 3DD.

SUMMARY

TO INFORM MEMBERS OF THE SITUATION AT THE ABOVE ADDRESS AND MAKE RECOMMENDATIONS ON THE APPROPRIATE FORM OF ACTION.

RECOMMENDATIONS

THAT THE AREA COMMITTEE AUTHORISES THE CITY SOLICITOR TO TAKE ALL NECESSARY STEPS, INCLUDING ENFORCEMENT ACTION AND IF NECESSARY THE INSTITUTION OF LEGAL PROCEEDINGS, TO SECURE THE REMOVAL OF THE UPVC GUTTERING AND BARGEBOARDING

FINANCIAL IMPLICATIONS

NO

PARAGRAPHS

CLEARED BY

BACKGROUND PAPERS

CONTACT POINT FOR ACCESS

STEWART GREENSLADE

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AREA(S) AFFECTED

CATEGORY OF
REPORT

OPEN

DEVELOPMENT SERVICES

REPORT TO CITY CENTRE SOUTH
AND EAST PLANNING AND
HIGHWAYS COMMITTEE
11 JUNE 2012

ENFORCEMENT REPORT

UNAUTHORISED REPLACEMENT OF FRONT ELEVATION
BARGEBOARDING AND GUTTERING AT 2 TO 12 SUMMERFIELD,
ASHDELL ROAD, SHEFFIELD, S10 3DD.

1. PURPOSE OF REPORT

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 LOCATION

2.1 2 to 12 Summerfield, Ashdell Road was originally a terrace of dwellinghouses, which have been sub-divided to form self-contained apartments. They are stone built and overlook a communal garden space which divides them from the terrace at 1 to 11 Summerfield, which is essentially a mirror image of the terrace forming the subject of this report.

2.2 2 to 12 Summerfield is located to the north of Ashdell Road, and is located within the Broomhill Conservation Area. They are covered by the Article 4(1) designation declared in September 2011. This has the effect of removing certain permitted development rights from property owners, including the alteration or replacement of external timbers such as guttering and bargeboards. Notwithstanding this the replaced bargeboarding and guttering is not located on an elevation which fronts a highway and is therefore not prevented from occurring by the Article 4 (1) designation.

However, the replacement of the bargeboarding and guttering is considered to materially affect the external appearance of the terrace of apartments. Since the terrace includes a number of self-contained flats it has no permitted development rights, and as such a planning permission is required for the alteration to the external appearance to the building.

- 2.3 A complaint was received in October 2011, regarding the removal of bargeboards, guttering and windows at the property. A subsequent site visit was carried out and it was noticed that the previously existing timber bargeboards, guttering and the support feet to the front elevation of the terrace had been replaced with uPVC bargeboards and guttering. It was also confirmed that no windows had been removed.
- 2.4 Following a meeting at the site with the owner's builder a letter was sent to the owner, stating that planning permission was required for any alteration to the external appearance of the apartments/flats meaning the uPVC guttering and bargeboarding was unauthorised. The owner was advised that a planning application for a more appropriate wooden replacement should be submitted for the Council's consideration.
- 2.5 A 2nd follow up letter was sent reminding the owner that an application for a more suitable replacement should be submitted. Whilst no specific period was given, it was indicated that the period for installation of suitable replacements could extend to a number of months.
- 2.6 The owner did not respond directly to these letters. A planning consultant acting on her behalf contacted enforcement officers to organise a meeting on site to discuss the issues arising from the works which had been carried out. During the course of the meeting (date - 2/3/12) the Planning Consultant confirmed that the original guttering and fascias had been retained and were going to be re-installed. It was also confirmed that the previously existing corbels had been retained and were going to be re-used. It was acknowledged that some of the guttering and fascias may not be sound, and would need to be replaced in like-for-like timber. The Planning Consultant was due to contact the enforcement officer, giving an intended time schedule for the replacement works. At that stage it was indicated that the enforcement and conservation officers would be satisfied if the re-installation was completed within approximately eight weeks of that point. However, since that point there has been no further commitment to undertaking the necessary works.

3 ASSESSMENT OF THE BREACHES OF CONTROL

- 3.1 The previously existing traditional timber bargeboards and gutters have been replaced by uPVC bargeboards and gutters.

- 3.2 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.
- 3.3 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.
- 3.4 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 The Broomhill Conservation Area Appraisal which was adopted on 17 December 2007, refers to the loss of architectural features and poor quality replacements as having spoiled the external appearance of buildings and the locality's street scene. It also states that such incremental erosion will destroy the character of the Conservation Area.
- 3.6 The Appraisal recommended that in order to prevent further, small scale incremental erosion of the character of the Conservation Area, an Article 4 Direction could be imposed, removing permitted development rights for such works. An Article 4(1) Direction was imposed in September 2011, following consultation with local residents and property owners.
- 3.7 It is considered that the unauthorised bargeboards and guttering are of an unsatisfactory appearance due to the inappropriate modern materials, and their poor detailing. Therefore, the modifications fail to preserve or enhance the character of Broomhill Conservation Area. Consequently the works are contrary to the aims of the policies BE5, BE16 and BE17 of the Unitary Development Plan.
- 3.8 The below photograph shows the property in question and demonstrates that the unauthorised bargeboard and guttering are not appropriate for the building and their appearance is deemed not to be in keeping with the character of the area.

Photo of Previously Existing Bargeboarding and Guttering



Photo of Replacement Bargeboarding and Guttering



3.9 uPVC is a modern material, and would be non-traditional for a building of this age and style. The uPVC bargeboards and gutters are significantly different in appearance from the original timber versions. They include flashing at the end of the section pieces which timber alternatives would not, they reflect sunlight in a different way than timber alternatives, and exhibit a uniformity not shown by painted timber. Overall, they appear significantly different than timber alternatives.

3.10 The Enforcement Notice would require the removal of the unauthorised uPVC bargeboards and guttering and replacement with timber alternatives of an appropriate design (i.e. as previously existed). A specified time period for the replacement would be given.

4 REPRESENTATIONS

4.1 One verbal representation was received about the replacement of windows at the property. During dialogue with the site owner, and representatives, it was confirmed that no windows had been replaced.

5 ASSESSMENT OF ENFORCEMENT OPTIONS

5.1 Regularisation of the existing bargeboarding and guttering is not being recommended.

5.2 Section 172 of the Act provides for the service of an enforcement notice (EN) where there has been a breach of planning control. In this case such a notice would require remedial measures to be carried out to deal with the breach. This would require the bargeboarding and guttering to the front elevation to be removed and replaced with bargeboarding and guttering of appropriate design and material. There is a right of appeal to the Planning Inspectorate against the Enforcement Notice. It is considered, however, that the Council would be able to successfully defend any such appeal.

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.

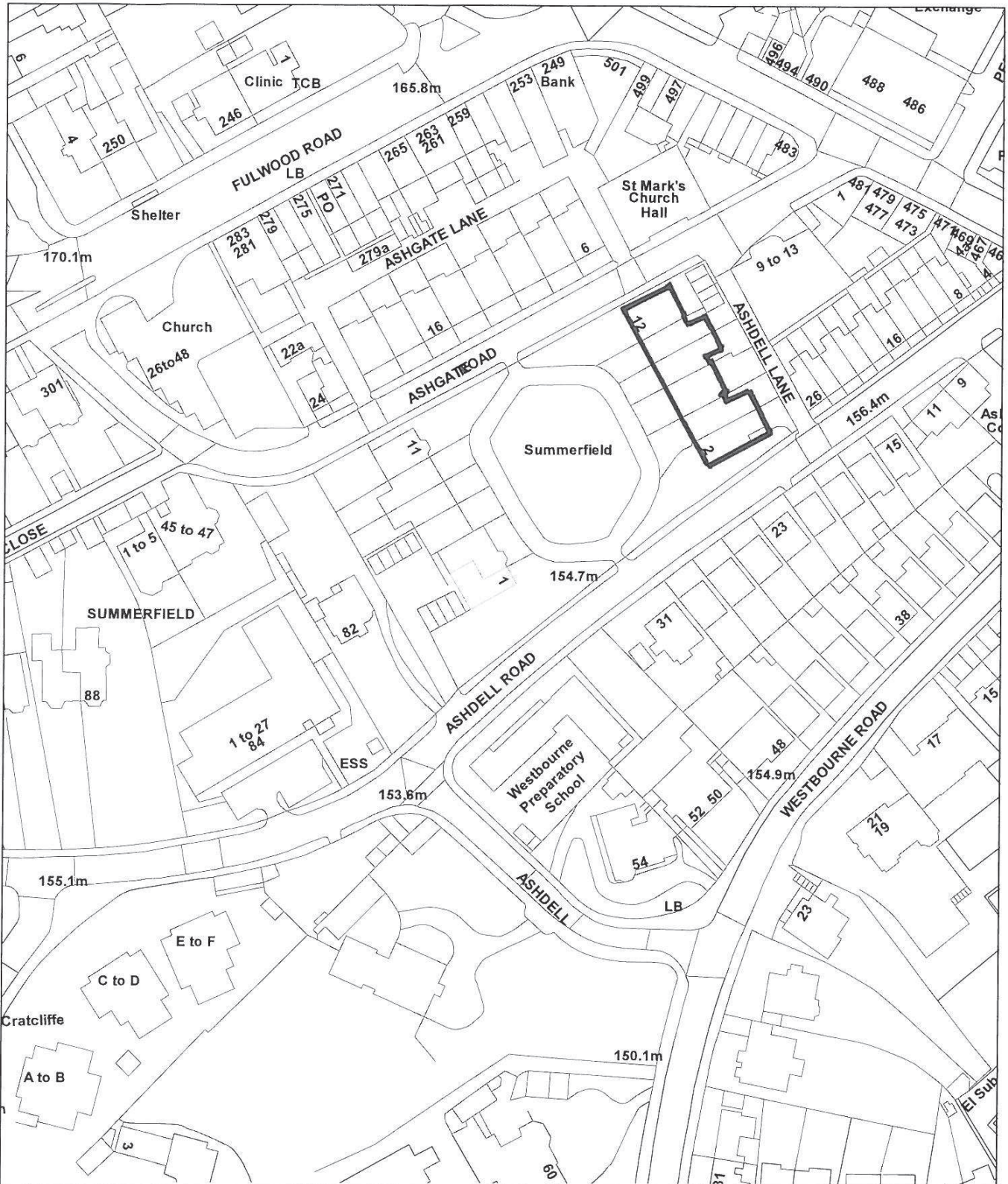
8 RECOMMENDATION

8.1 That the Director of Development Services or Head of Planning be authorised to take all necessary steps, if required, enforcement action and the institution of legal proceedings to secure the removal of the

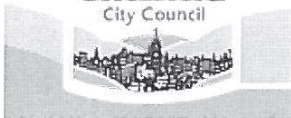
bargeboarding and guttering to the front of 2 to 12 Summerfield and their replacement with suitable alternatives as specified in any Notice.

D Caulfield
Head of Planning

11 June 2012



Sheffield
City Council

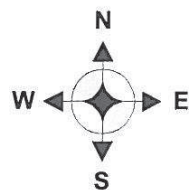


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Date: 23 May 2012