



**SHEFFIELD CITY COUNCIL
PLACE**

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

DATE 13 AUGUST 2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM

SUBJECT ENFORCEMENT REPORT

UNAUTHORISED REPLACEMENT OF WINDOWS AND DOOR TO THE FRONT OF 204
CHIPPINGHOUSE ROAD, S7.

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 HEAD 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 AND DOOR AND THEIR REPLACEMENT WITH A SUITABLE ALTERNATIVE AS SPECIFIED IN ANY NOTICE.

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)

DEVELOPMENT SERVICES

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

13 AUGUST 2012

ENFORCEMENT REPORT

UNAUTHORISED REPLACEMENT OF WINDOWS AND DOOR TO THE
FRONT OF 204 CHIPPINGHOUSE 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

- 2.1 204 Chippinghouse Road is a traditional two storey stone built detached property with a garage. 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 15 February 2012, regarding the replacement of windows and door at the property. A site visit was carried out and it was noticed that the original timber sliding sash window on the ground floor nearest to number 202 and the first floor timber framed window nearest to 202 and the remainder of the first floor UPVC windows had been removed and replaced with top opening white UPVC windows. The original timber door to the front of the property had also been replaced with a new white UPVC door without consent.

- 2.3 A meeting was arranged with the owners and they were informed that that there is no permitted development rights for alterations to dwelling houses fronting the highway. Therefore the replacement of the windows and door without planning permission was unauthorised. The owner agreed that details would be submitted via a joiner showing either a more appropriate replacement or a similar replacement. To date, no attempt has been made to resolve this issue.

3. ASSESSMENT OF BREACH OF CONTROL

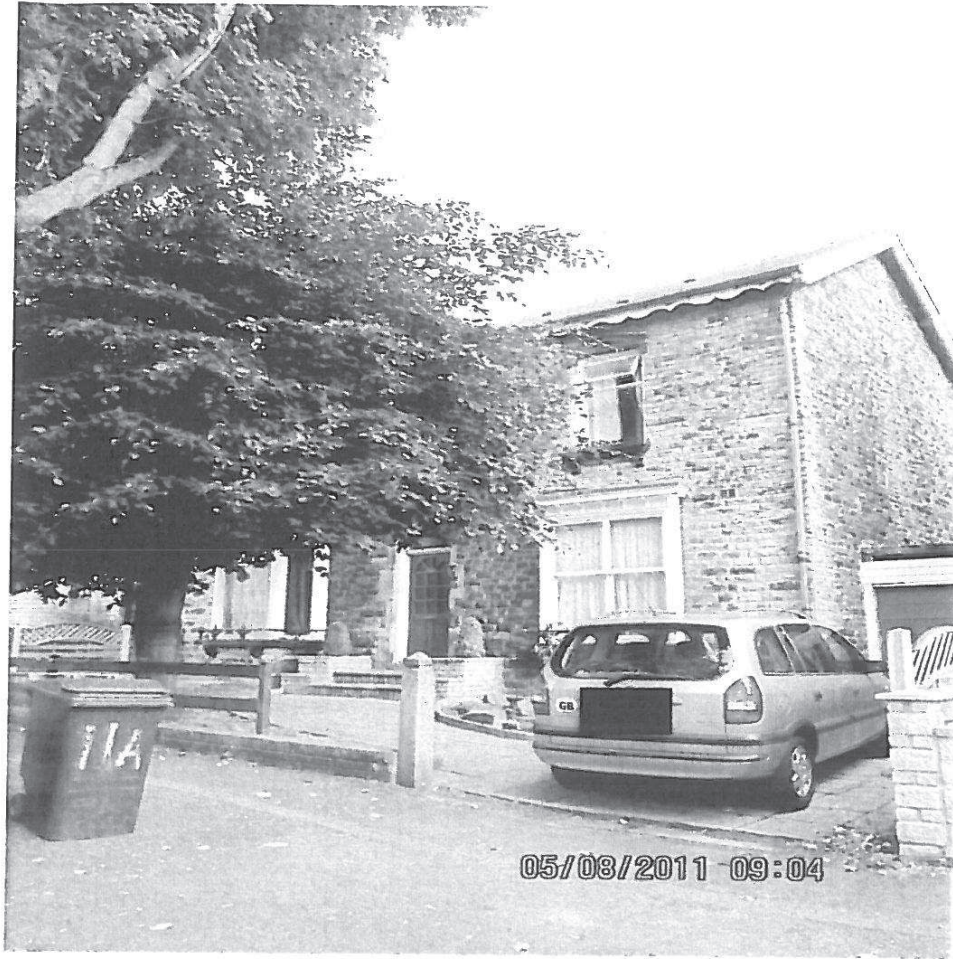
- 3.1 Unitary Development Plan Policy BE5 'Building Design and Siting' states that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions.

- 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 GROUND FLOOR WINDOW NEAREST TO NUMBER 202 - The previous window was a traditional detailed timber vertical sliding sash. The replacement window is now a white UPVC with a top hung opening.
- 3.7 FIRST FLOOR WINDOW NEAREST TO NUMBER 202 - The previous window was a timber top hung. The replacement window is now a white UPVC with a top hung opening.
- 3.8 FIRST FLOOR WINDOWS ABOVE THE FRONT ENTRANCE DOOR AND WINDOW NEAREST TO NUMBER 206 - The previous windows were white UPVC with a central opening. The replacement window is now white UPVC with a top hung opening.
- 3.9 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.
- 3.10 DOOR - The previous door was a timber door. The replacement door is of a UPVC materials.

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

Before changes photographs taken in August 2011

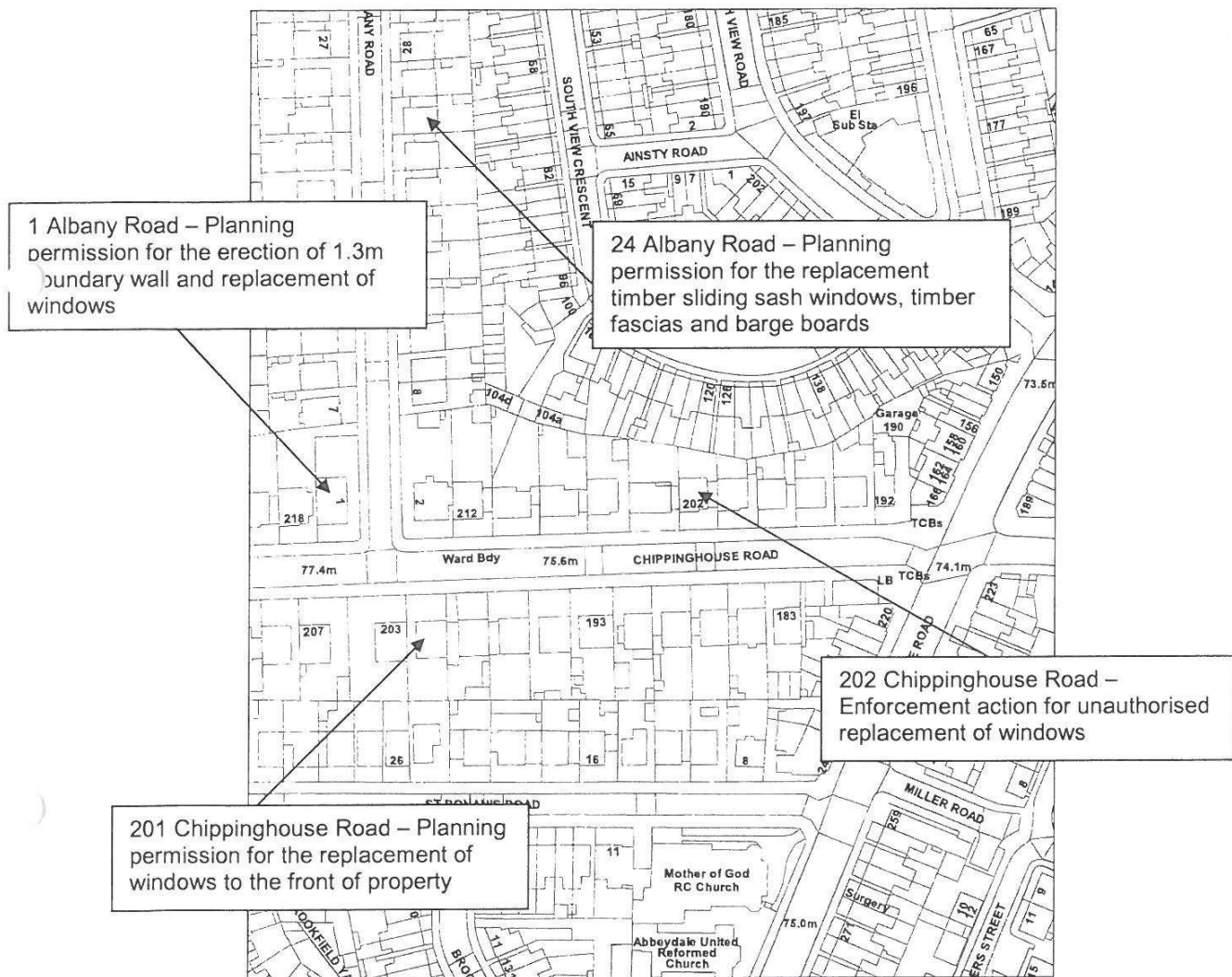




After changes photograph taken on 3 July 2012



- 3.14 Officers also looked at recent planning applications for the area which were Article 4 related and found that there have been three recent applications made in the immediate area (see map below). Enforcement action is also being taken against the owners of 202 Chippinghouse Road for the unauthorised replacement of windows. This demonstrates public awareness of the controls that operate in this area, and action is being pursued consistently.



- 3.15 The Enforcement Notice would require the replacement of the unauthorised windows and door to the front of the property with appropriate design and materials to meet conservation design standards 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 and doors at the front of the property are replaced with appropriate design and materials. 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 and door and their replacement with a suitable alternative as specified in any Notice.

D Caulfield
Head of Planning

1 August 2012

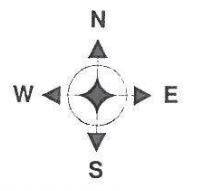



 Sheffield
 City Council

 Development Services,
 Sheffield City Council,
 Howden House,
 1 Union Street,
 SHEFFIELD
 S1 2SH

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Scale : 1:1250



Date: 14 June 2010

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