



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 11 March 2014

Subject: Enforcement Report

Author of Report: Khalid Mahmood

Summary: Unauthorised erection of fence at the front and decking at the rear of 20 Paddock Crescent, Sheffield, S2

Reasons for Recommendations:

No attempt is being made to resolve this issue and it is now considered that the matter should be reported for further enforcement action.

Recommendations:

That authority be given to the Director of Regeneration & Development Services or the 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 fence and decking.

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: None

Category of Report: OPEN

REGENERATION & DEVELOPMENT SERVICES

REPORT TO PLANNING AND HIGHWAYS COMMITTEE

11 MARCH 2014

ENFORCEMENT REPORT

UNAUTHORISED ERECTION OF FENCE AND GATE AT THE FRONT AND DECKING AT THE REAR OF 20 PADDOCK CRESCENT, SHEFFIELD, S2

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.

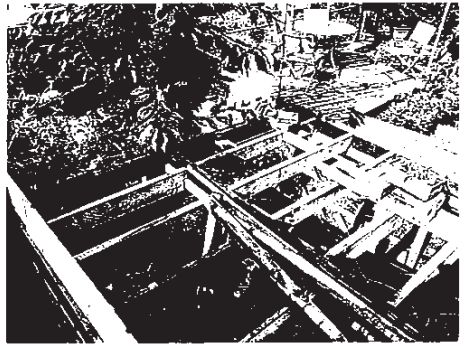
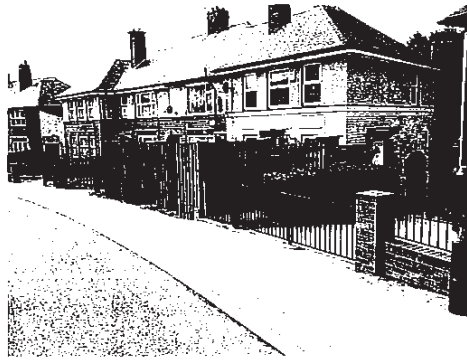
2. BACKGROUND AND BREACH

- 2.1 20 Paddock Crescent is a two storey end terrace property located within a residential area; it has a small front garden and a large rear garden with a side access to the rear of the property. The rear garden slopes away from the house. The site lies within a Housing Area as designated in the Sheffield Unitary Development Plan.
- 2.2 A recent complaint has been received regarding the fence and decking that have been erected at the property. Officers have visited the site and noticed that a high fence has been erected at the front of the property which is 1.9 metres at its highest point and 1.66 metres at the lowest point adjacent to the highway. Part of the fence also doubles as a vehicular entrance/exit gate. It was also noticed that decking is in the process of being erected at the rear of the property which is more than 30 cm from ground level.
- 2.3 A letter was sent to the owner/occupier asking for the height of the fence to be reduced to within one metre and the decking to be removed. The owner has raised security/safety and other high fences within the area as reasons for not reducing the height of the fence.
- 2.4 As a way forward the owner has been asked to reduce the height of the fence and gate adjacent to the highway by 0.5m including the first panel along the side boundary. This would still provide a visible boundary structure and it would help to partially retain the openness of the area and yet help retain privacy and security to the front of the property. The owner was also asked to erect a screen fence along the decking between number 20 and 22 Paddock Crescent to reduce the overlooking impact. The owner was not prepared to do this. It is now

considered expedient that this matter is reported for further enforcement action.

3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 The property is located within a Housing Area as designated in the Sheffield Unitary Development Plan. Planning permission is required for fences and gates that would be over one metre in height when adjacent to a highway used by vehicles. In this case the fence and gate adjacent to the highway is over one metre in height. Planning permission is also required for decking which is above 30 cm from ground level.
- 3.2 It is considered that planning permission would not be granted for the fence and gates if a planning application was submitted. The fence and gate forms a high structure within the street scene and boundary treatments to neighbouring properties are generally low. It is considered that the height of the fence and gate is detrimental to the general character and appearance of the area and does not retain the openness of the area as the majority of properties in this area are of a similar character with a small wall and railings. In addition, a fence of this height obscures visibility from the drive such that a car exiting the drive would not be able to see pedestrians approaching on the footway.
- 3.3 The decking at the rear of the property is also considered unacceptable in its current form due to the overlooking impact on the neighbour's property at 22 Paddock Crescent. A screen between the properties would overcome this concern.
- 3.4 Unitary Development Plan Policy H14 'Conditions on Development in Housing Areas' states that development should be well designed and in scale and character with neighbouring buildings and not deprive residents of privacy. It also states that safe access to the highway network, which does not endanger pedestrians, should be maintained.
- 3.5 The supplementary Planning guidance: Designing House Extensions Guideline 1 indicates that development should be compatible with the character and built form of the area. Guideline 2 indicates that development should not detract from the general appearance of the street scene or locality.
- 3.6 The Photographs below show the property in question and clearly demonstrate that the fence and gate block visibility, are out of keeping with the property and the street scene and the decking has potential overlooking issues when completed. The photographs relating to the decking have been taken from the neighbour's property at No.22.



4. REPRESENTATIONS

- 4.1 A complaint has been received regarding the unauthorised fence and decking at this property.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 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 the removal of the fence and gates and the decking. There is a right of 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. 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 Regeneration & 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 fence and gates and decking at 20 Paddock Crescent, Sheffield, S2.
- 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.

M Duffy
Interim Head of Planning

28 February 2014

