



## SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

---

**Report of:** Director of Development Services

---

**Date:** 01<sup>st</sup> April 2014

---

**Subject:** Enforcement Report

---

**Author of Report:** Abby Wilson

---

**Summary:** Replacement of the natural slate tiles with artificial tiles.

---

### **Reasons for Recommendations**

Officers consider that the artificial tiles are an inappropriate modern material and of poor design in any conservation area and as such are contrary to policies S10, BE5, BE15, BE16 and BE17 of the Unitary Development Plan and CS74 of the Core Strategy for Sheffield.

### **Recommendations**

That authority be given to the Director of Regeneration and 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 artificial roof tiles at 13 College Street.

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:**

---

**Category of Report:** OPEN

---

## **ENFORCEMENT REPORT**

### **UNAUTHORISED REPLACEMENT ROOF TILES AT 13 COLLEGE STREET IN THE BROOMHILL CONSERVATION AREA.**

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

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

#### **2. BACKGROUND AND LOCATION**

- 2.1 13 College Street is a traditional mid 19<sup>th</sup> Century two storey end-of-terrace property, which is located to the south of College Street in the Broomhill Conservation Area and lies within a Housing Area as designated in the Unitary Development Plan. The property is included in the Broomhill Article 4(1) Direction as the property is used as separate flats.
- 2.2 The property has recently undergone changes to reduce the 3 flat property to create 2 flats by converting the ground floor and basement flats into a single flat, with a first and second floor flat (13A College Street). Planning permission was granted for a lightwell at the front of the property, the replacement of external stairs up to the first floor level at the rear elevation and the construction of a two storey rear extension at lower ground and ground floor levels.
- 2.3 The application did not include the replacement of the natural slate tiles with artificial tiles. Flats do not benefit from permitted development rights and these changes materially affect the appearance of the property and therefore planning permission is required.
- 2.4 An anonymous complaint was received in July 2013 advising planning enforcement that the roof at 13 College Street had been replaced with artificial slates. An officer visited the site and confirmed the roof had recently been replaced with what appeared to be artificial roof slates. but this could not be determined as although the roof was complete, scaffolding remained and prevented identifying the slates as artificial. A letter was sent to the owner of the property to advise them of the potential breach and requested a replacement roof covering using natural slate tiles.
- 2.5 A response was received from an agent acting on behalf of the owner. They requested information on similar cases in the area to persuade the owner to replace with natural slate rather than to attempt to retain the existing artificial roof tiles.

2.6 To date no application has been received and no further correspondence has been received by the owner or the architect. The approved works to the property are complete but the artificial tiles remain

### 3 ASSESSMENT

3.1 The property is set on a residential street within a designated Housing Area and the Broomhill Conservation Area. The issue is to be assessed, therefore, against Unitary Development Plan policies H14, BE5, BE15, BE16 and BE17.

3.2 In March 2009, the Core Strategy Policy Document was adopted and this forms part of the Sheffield Development Framework, which is in accordance with the principles of the National Planning Policy Framework. Core Strategy policy CS74 is therefore also relevant to the assessment of these changes.

3.3 UDP policy H14 permits new development that is in scale and character with neighbouring buildings and BE5 states that any development will be high quality and well designed and of a scale and nature that is appropriate to the site that enables a proposal to fit in comfortably with their surroundings, without being detrimental to the visual amenities of the area. Similarly, policy CS74 of the Core Strategy further reiterates the need for high quality designs and strengthens the Local Planning Authority's position regarding the preservation of Sheffield's built heritage.

3.4 Policy BE15 Areas and Buildings of Special Architectural or Historic Interest, says that development that would harm the character or appearance of Conservation Areas will not be permitted. Policy BE17 Design and Materials in Areas of Special Architectural or Historic Interest, requires a high standard of design using traditional materials with Policy BE16 Development in Conservation Areas, stating that development in Conservation Areas is required to preserve or enhance the character and appearance of that Conservation Area.

3.5 The Broomhill Conservation Area Appraisal which was adopted on 17 December 2007 refers to the loss of natural roof slate as a small scale alteration to properties that has incrementally eroded the character of the Conservation Area.

3.6 The loss of traditional materials and design features threatens the character and appearance of the Conservation Area, and is in direct conflict with the purpose of the Article 4(2) direction.

3.7 The roof tiles used at number 13 are made from a cement base and have a uniform, shiny, unnatural appearance which contrasts strongly with the natural appearance of neighbouring roofs as can be seen in the photos.

3.8 Officers consider that the artificial tiles are an inappropriate modern material and of poor design in any conservation area and as such are contrary to policies S10, BE5, BE15, BE16 and BE17 of the Unitary Development Plan and CS74 of the Core Strategy for Sheffield.

3.9 The photo images below show the property in question before and after the changes and demonstrate that the unauthorised changes are not appropriate for

the property and their appearance is deemed not to be in keeping with the character of the Conservation Area.

- 3.10 It is worth noting that previous enforcement action taken in the Broomhill Conservation area, in similar circumstances, was supported by the planning inspectorate following appeal, at 54 Marlborough Road where the inspector agreed that the change in roof covering materially affected the external appearance of the property. In addition the inspector concluded that the unnatural shiny appearance of the roof covering, and its uniformity were out of character and harmful to the appearance of the Conservation Area.

#### 4 REPRESENTATIONS

- 4.1 One anonymous complaint was received about the replacement roof.

#### 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 an Enforcement Notice where there has been a 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 artificial roof slates are removed at 13 College Street. There is a right of appeal to the Planning Inspectorate against the service of an Enforcement Notice. Appeal decisions however have supported the Council in taking similar action.

#### 6 EQUAL OPPORTUNITIES

- 6.1 There are no equal opportunity implications arising from the recommendations of this report.

#### 7 FINANCIAL IMPLICATIONS

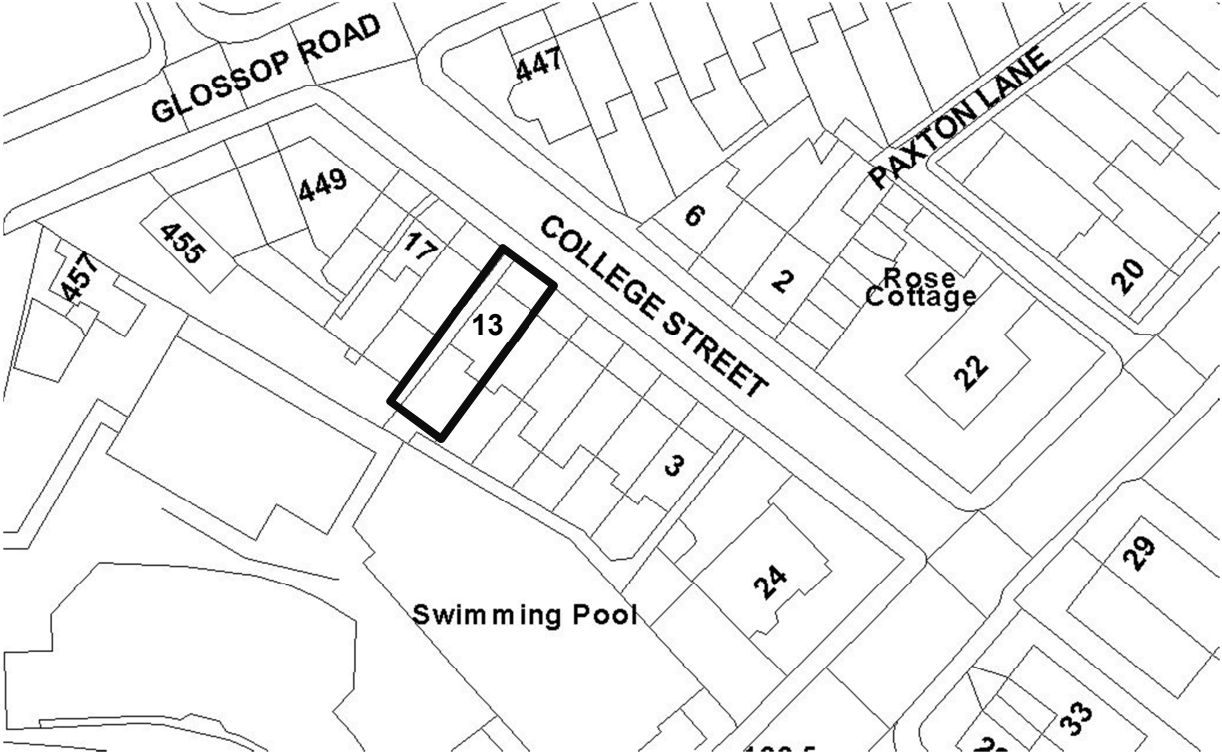
- 7.1 There are no additional financial implications expected as a result of this report. If an appeal is made against the enforcement notice, costs can be made against the Council if it is shown that they have behaved “unreasonably” in the appeal process. It is unlikely that this will happen as Officers do not consider unreasonable behaviour has occurred. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget.

#### 8 RECOMMENDATION

- 8.1 That authority be given to the Director of Regeneration and 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 artificial roof tiles at 13 College Street.
- 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.

SITE PLAN & PHOTOS

Appendix A - Number 13 College Street Outlined in Black



**Appendix B – Photo of 13 College Street**



**Appendix C - Photo of roof covering at 13 College Street 2010**

