



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration and Development Services

Date: 13th May 2014

Subject: Enforcement Report

Author of Report: Deborah Parkinson

Summary: Unauthorised Installation of uPVC windows

Reasons for Recommendations

Recommendations:

That the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised uPVC windows that have been installed at first and second floors.

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

DEVELOPMENT SERVICES

PLANNING AND HIGHWAYS
COMMITTEE
13 May 2014

ENFORCEMENT REPORT

UNAUTHORISED INSTALLATION OF uPVC WINDOWS IN AN ARTICLE 4 AREA, 277a FULWOOD ROAD SHEFFIELD S10

1. PURPOSE OF THE REPORT

The purpose of this report is to inform committee Members of a breach of planning control and to make representations on any further action required

2. LOCATION

- 2.1 The flats are positioned on the upper floors, above commercial units on the ground floor. They make up a terrace which runs from 249 Fulwood Road to 283 Fulwood Road. The property to which this report relates is no.277a, the flats which are situated above 277 Fulwood Road, Sheffield.

3. BACKGROUND

- 3.1 The Broomhill Conservation Area Appraisal which was adopted on 17 December 2007 refers to the loss of architectural features and poor quality replacement windows which have spoiled the external appearance of buildings and the local street scene. This includes the removal of original timber windows, and their replacement with uPVC.

4 ASSESSMENT

- 4.1 The property is set within a District Shopping Centre and the Broomhill Conservation Area and therefore the following Unitary Development Plan policies S10, BE5, BE15, BE16 and BE17, should be complied with for any new development.
- 4.2 UDP policy S10 'Conditions on Development in Shopping Areas' and BE5 'Building Design and Siting' state that any development will be high quality and well designed and of a scale and nature that is appropriate to the site and enable 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.

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.

4.3 The National Planning Policy Framework (NPPF) provides guidance for policy formulation and determining planning applications, and paragraphs 126 to 141 relate to 'Conserving and enhancing the historic environment'. Paragraphs 131 to 133 require planning authorities to take account of the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality.

4.4 The windows installed at first and second floor are of very poor quality and do not respect the character and detailing of the original buildings, or the surrounding conservation area. The materials, width and detailing of the windows are considered to constitute an incremental erosion of the character of the area and as such, are deemed to be visually prominent within the street. In addition, their number and concentration within the terrace, and their prominent location exacerbates such concerns.

5 REPRESENTATIONS

5.1 Complaints were received about the uPVC windows being installed at 261a, 269, 271 & 273 Fulwood Road. These windows are the subject of a separate Enforcement Notice and have had a planning appeal for their retention dismissed. It was noticed by the Planning Officer while visiting these premises that windows had also been changed at 277a Fulwood Road. There are also a number of windows that had been changed to uPVC before the Article 4 area was established.

6 ENFORCEMENT OPTIONS

6.1 Section 172 of the Town and Country Planning Act 1990 provides for the service of an Enforcement Notice. In this case such a notice would require the removal of the unauthorised uPVC windows and the reinstatement of traditional timber windows and associated fittings.

6.2 Section 183 of the Town and Country Planning Act 1990, enables the local planning authority to serve a Stop Notice with the service of an Enforcement Notice. A stop notice, (SN), prohibits the carrying out of a relevant activity on the enforcement notice land. The situation at site is

stable in that no further works have taken place since initial breach. A SN is not considered to be necessary at this time.

7 EQUAL OPPORTUNITIES

7.1 There are no equal opportunity implications arising from the recommendations in this report.

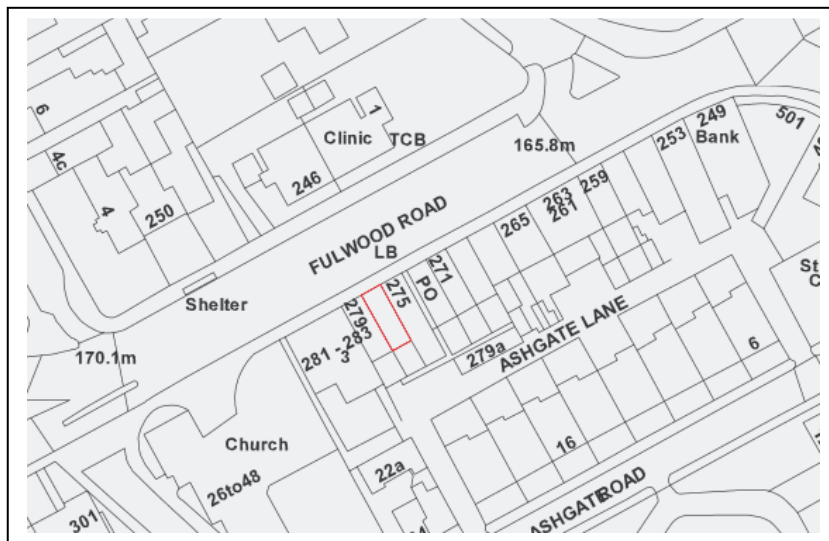
8. FINANCIAL IMPLICATIONS

8.1 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 uncommon that this will happen. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget.

9. RECOMMENDATION

9.1 That the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal proceedings to secure the removal of the uPVC windows installed on the first and second floors.

9.2 The Head of Planning is designated 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

277a Fulwood Road, Sheffield S10

Maria Duffy
Head of Planning

13 May 2014