



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 18th November 2014

Subject: Enforcement Report

Author of Report: Abby Wilson

Summary:

Unauthorised timber and plastic canopy on front of 414 London Road facing London Road and Glover Road

Reasons for Recommendations

The canopy is considered to have a detrimental effect on the visual amenities of the street scene and contrary to policy BE5 and S10 of the UDP.

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 timber and plastic canopy.

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

ERECTION OF AN UNAUTHORISED TIMBER AND PLASTIC CANOPY ON THE FRONT OF 414 LONDON ROAD FACING LONDON ROAD AND GLOVER ROAD, S2

1. PURPOSE OF REPORT

- 1.1 To inform committee members of a breach of the Planning Regulations and to make recommendations on any further action required.

2. BACKGROUND

- 2.1 414 London Road is a traditionally built two storey end terrace property lying on the corner of London Road and Glover Road. The ground floor is used as a grocery store, the first floor and attic space are used as residential.
- 2.2 The site is located in a Housing Area as identified in the Unitary Development Plan (UDP). The terrace on which it is sited is predominantly residential in use, as is Glover Road. The entrance to Lowfield Primary School lies on the opposite side of London Road and a Citizens Advice Bureau on the opposite corner of London Road and Glover Road.
- 2.3 The area is on the periphery of the District Shopping Area to the North on London Road and the local Shopping Area to the West on Abbeydale Road as identified in the UDP. Several unauthorised canopies have appeared in these nearby shopping areas and, to date, enforcement action has been successful in securing the removal of 3 unauthorised canopies (2007) and authority has been given to enforce against a further two canopies in September 2014. A further report appears on this agenda relating to additional canopies.
- 2.4 The canopy has been erected on the forecourt of the property facing both London Road and Glover Road. It has a wooden frame with a clear plastic corrugated roof. Expanding foam has been used extensively to fill gaps and is highly visible around the structure. Plywood sides have also been added under the eaves to partially enclose the structure. The top of the canopy is not uniform and fits around the existing projecting shop sign.

- 2.5 A written complaint was received from a member of the general public on the 09th September 2014. Since this date a further two written complaints have been received from members of the public.
- 2.6 An initial letter was sent to both the business owner and the property owner. It informing them that planning permission is required to erect a canopy on the front of the premises but due to the detrimental effect the canopy has on the visual amenities of the street scene, planning permission would not be granted in this case and the canopy should be removed within 14 days. The letter also advised that an application would be welcomed for an alternative canopy.
- 2.7 A representative of the business responded to the letter, they questioned why they could not apply for permission for the existing canopy or if there were any alterations to the canopy that would be considered more favourably. The advice given was that a retractable canopy would be considered in this location but the existing structure, with or without alterations could not be supported although they are within their rights to submit an application.
- 2.8 The business owner informed planning enforcement that they intend to submit a planning application for the existing structure, against the recommendations of planning enforcement. To date no application has been submitted.

3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 The property is located within the Housing Area as defined within the UDP.
- 3.2 Unitary Development Plan Policy H14 'Conditions on Development in Housing Areas' states that new buildings and extensions are well designed and would be in scale and character with neighbouring buildings.
- 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 and all extensions should respect the scale, form, detail and materials of the original building.
- 3.4 Although canopies are often a traditional feature of shops, they tend to be the retractable metal and canvas fascia type that one associates with shops of this type and age. The function of the current canopy is to protect food displayed for sale from the elements. A traditional canopy, of the kind described above, could achieve that aim without harm to the street scene.
- 3.5 However the canopy in question is a timber post and frame structure with a plastic corrugated roof with expanding foam used to seal gaps,

and is a permanent feature on the property's forecourt making it visually intrusive and is of a makeshift appearance. It also does not respect character of the property to which it is attached, or that of other properties in the immediate vicinity from a point of view of the materials used in its construction. Therefore the canopy is considered to have a detrimental effect on the visual amenities of the street scene and contrary to policy BE5 and S10 of the UDP.

- 3.6 The photographs, below, show the property in question and demonstrate the visual harm that is unacceptable in this area.







4. REPRESENTATIONS.

- 4.1 There have been three written complaints with regards to the canopy and their concern being that the canopy

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.2 Section 172 of the Act provides for the service of an enforcement notice (EN). In this case such a notice would require the removal of the canopy to make good the harm caused by the unauthorised development. There is a right to 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 EQUAL OPPORTUNITIES

- 6.1 There are no equal opportunity issues arising from the recommendations in this report.

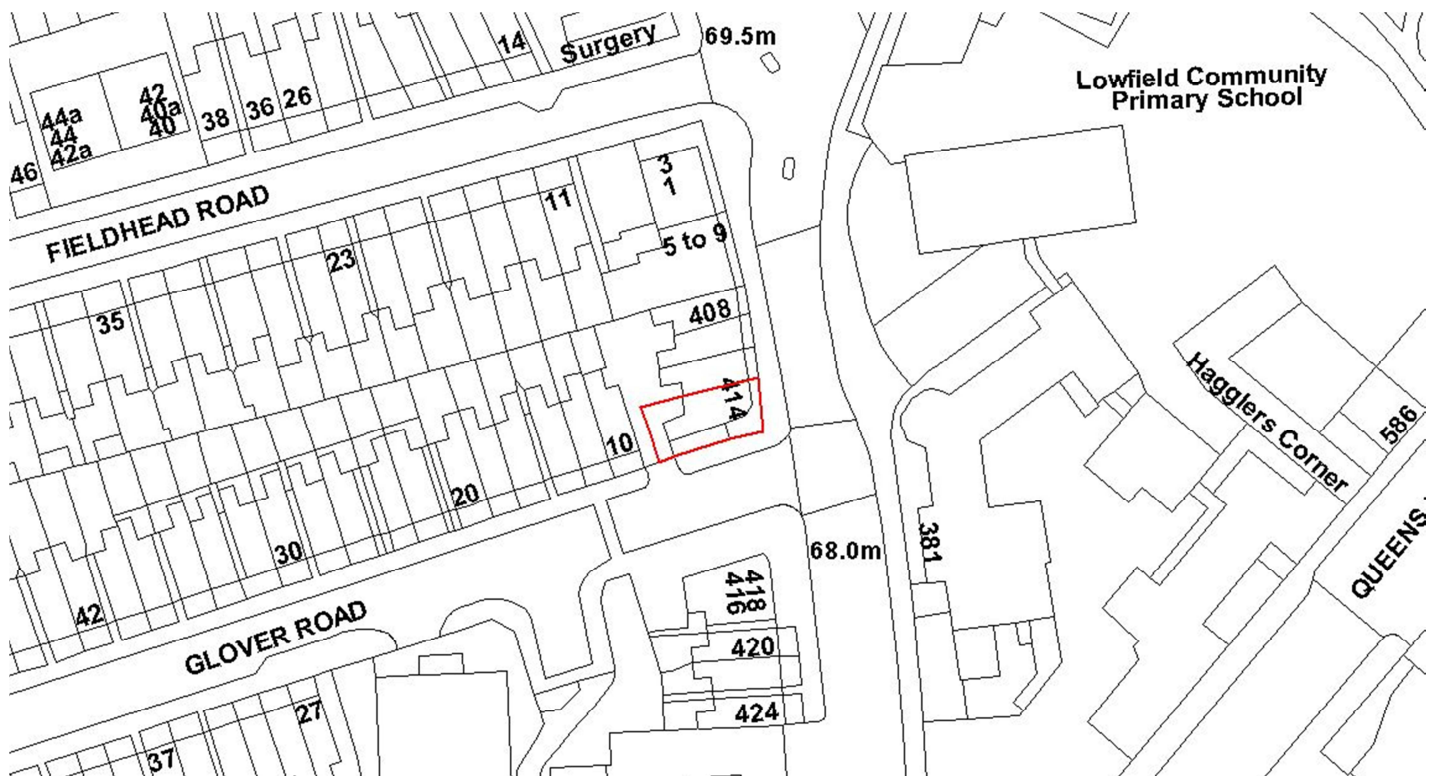
7 FINANCIAL IMPLICATIONS

- 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 awarded 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.

8.0 RECOMMENDATIONS

- 8.1 That the Director of Regeneration & 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 canopy at 414 London Road.
- 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



Maria Duffy
Head of Planning Service

18/11/2014

This page is intentionally left blank