



## **SHEFFIELD CITY COUNCIL Planning & Highways Committee Report**

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**Report of:** Director of Regeneration & Development Services

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**Date:** 9 December 2014

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**Subject:** Enforcement Report

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**Author of Report:** Lee Brook

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**Summary:** Unauthorised Side and Rear Extension,  
33 Pavilion Way

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### **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 extension.

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.

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### **Background Papers:**

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**Category of Report:** OPEN

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## **ENFORCEMENT REPORT**

### **UNAUTHORISED ERECTION OF A SINGLE STOREY SIDE AND REAR EXTENSION, 33 PAVILION WAY**

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

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

#### **2. BACKGROUND**

2.1 Complaints were received about the construction of a single storey rear and side extension. The complaint relates to the use of inappropriate materials. When the complaint was made the extension was incomplete and timber walled; it is now finished, (shown in the photos below), with a white upvc cladding to the outer walls.

2.2 At the initial site visit the owner was advised that planning permission is required. A discussion took place at which the owner stated his intention to complete the development in white upvc. He also said he had advice from a Council officer on the phone prior to starting work that he would not require a planning application. There is no record of such a telephone conversation with any officer from the Planning Service. The owner was warned that enforcement action could follow subject to a full assessment later. He was advised not to complete the extension throughout the conversation. The owner was further advised about his 'fall-back' position of changing the development to be within permitted development limits. He was also encouraged to contact Building Control.

2.3 Initially the owner appeared to be responsive to officer advice and an architect contacted me on his behalf to regularise the extension to an amended, more acceptable design. However a month has passed since then and at the time of writing no application has been submitted. The extension was completed in white upvc, see photos below.

#### **3. ASSESSMENT OF THE BREACHES OF CONTROL**

3.1 Under the General Permitted Development Order, ('GPDO'), household permitted development ('PD') allows for a single storey rear extension projecting up to 3m at the rear without the need for a planning

application, provided that the materials used are similar to the existing house.

- 3.2 This extension requires planning permission (application) because part of it extends beyond the side elevation facing the highway and because the materials used are not similar to the existing materials on the house.
- 3.3 The National Planning Policy Framework states that development should always seek to secure high quality design.
- 3.4 Policy BE5 (Building Design and Siting) within the Unitary Development Plan (UDP) states that good design and the use of good quality materials will be expected in all new buildings. The Supplementary Planning Guidance document 'Designing House Extensions' at Guideline 3, requires that matching materials and features should be used in the extension and that the roof design should be sloped to mimic the existing house. The house stands within an Industry and Business Area, designated in the UDP, as this relatively new estate is built on the site of the former Co-operative Dairy, (and Sports Ground).
- 3.5 Policy CS74 (Design Principles) within the Sheffield Development Framework Core Strategy states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city.
- 3.6 The house is a modern two storey end townhouse on a corner plot. It is in a row of 4 similar houses set in a larger estate of similarly styled houses in terms of materials and design. As this is on a corner plot, the rear of the house is clearly visible from the highway.
- 3.7 The extension is considered to be out of keeping with the house and with the surrounding area. Approval would not be recommended by officers, in the event of an application to regularise it, for the following reasons. The rear and side elevations of the extension are clad in white upvc in stark contrast to the original house, which is red brick. The roof is a flat design and because this extension is in clear view of the highway, this flat roof design is visibly at odds with the look of the existing house. The houses in the backdrop are a similar style to no.33 in terms of the materials used. There are elements of smooth cream render on the front elevations but in this case the clearly visible white plastic clad extension clashes with the existing house and the area.

#### 4. REPRESENTATIONS

- 4.1 Two local residents have complained in relation to the appearance of the extension being out of keeping with the area. The complainants maintain their reasons for objecting, since the change in the finished look from timber walls to white plastic clad walls.

## 5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 171C of the Town & Country Planning Act 1990, ('the Act') provides for the service of a Planning Contravention Notice, (PCN). It requires information about the breach of control and property ownership. It also gives an opportunity to meet with officers to make representations. Such a meeting can be used to encourage regularisation and/or discussions about possible remedies where harm has occurred. In this case regularisation is not being recommended.
- 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 unauthorised extension.

## 6. EQUAL OPPORTUNITIES

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

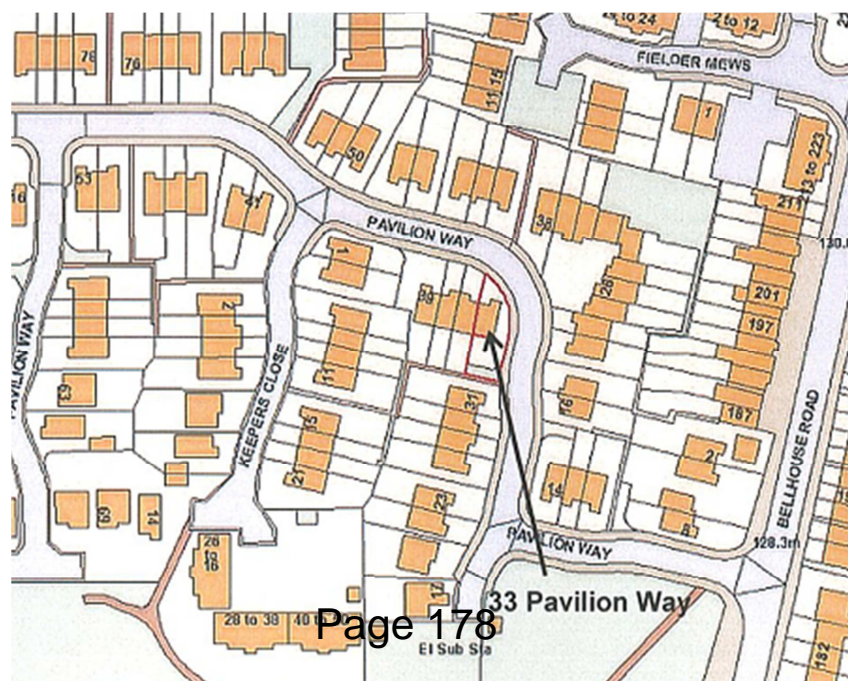
## 7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications arising from the recommendations in this report.

## 8. RECOMMENDATION

- 8.1 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 to secure the removal of the unauthorised extension.
- 8.2 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



PHOTOGRAPHS - BEFORE & AFTER



Maria Duffy  
Interim Head of Planning

13 November 2013

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