



## SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

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**Report of:** Director of Development Services

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**Date:** 14 February 2017

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**Subject:** Enforcement Report

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**Author of Report:** Abby Wilson

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**Summary:** Unauthorised rear extension at 12 Croydon Street, S11

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### **Recommendations:**

That the Director of 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 extension.

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.

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### **Background Papers:**

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**Category of Report:** OPEN

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## **ENFORCEMENT REPORT**

### **UNAUTHORISED REAR EXTENSION AT 12 CROYDON STREET, S11**

#### **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 12 Croydon Street is a mid-terraced property in Sharrow, S11. It lies within a housing area according to the Unitary Development Plan. The terraces front straight on to the highway and the property has shared access with number 10 to a passage which leads to side and rear entrances and the narrow yards at the rear.
- 2.2 A flat roof extension has been built at the rear of 12 Croydon Street. It has remained incomplete since the development was brought to the Council's attention in 2013. The complaint has not arisen from an adjoining property but from a property whose 1<sup>st</sup> floor rear aspect looks onto the extension.
- 2.3 The owner was contacted to advise that the extension was unauthorised. The agent had believed the larger extension benefitted from permitted development rights under the amendments to the General Permitted Development Order (GPDO).
- 2.4 The GPDO has been amended for a temporary period to allow larger rear extensions than would otherwise be allowed under the household 'permitted development'. Under these PD rights a single storey extension at the rear of such a house can project up to 6m without the need to apply for planning permission provided certain conditions in the GPDO are complied with.
- 2.5 One of the conditions under the new PD is that a prior notification process should be followed whereby adjoining neighbours are approached by the Council for comment. In this case the extension has begun without the LPA being notified. This extension falls within the 6m limit set out in the new household PD, however because the LPA was not notified it does not benefit from the PD conditions and is therefore unauthorised and a planning application is required whereby officers assess any harm caused by the impact of the extension on the amenity of all the occupiers of neighbouring properties.

- 2.6 The extension extends 5.4 metres beyond the original building. It is 2.9m high and 2.75 metres wide. There is a 1 metre gap between the extension and the boundary with number 10 allowing a path to access the garden. Between the boundary wall and the extension at number 14 there is a 44 cm gap.
- 2.7 The extension is incomplete consisting of breeze block with openings for a door and window facing number 10 Croydon Street and a rear facing door opening. Roof joists have been fitted and a plywood roof which has of yet not been covered or waterproofed.
- 2.7 To attempt to regularise the extension, the owners have submitted 2 planning applications with the appropriate fees but insufficient information so on each occasion they have been made invalid.
- 2.8 The extension remains incomplete and no further attempts have been made to validate the retrospective application.

### 3. REPRESENTATIONS.

- 3.1 There has been one written complaint regarding the extension, concern related to its size and to the potential to use the flat roof as a balcony. The complaint does not come from an adjoining property.

### 4 ASSESSMENT

- 4.1 The extension extends 3 metres beyond the rear of the property but within the 6 metre maximum permitted subject to a successful application under the prior notification scheme. As prior notification has not been sought, the development is unauthorised.
- 4.2 The development is incomplete but is not visible within the public street scene and as such it is not considered to detract from the appearance of the wider area.
- 4.3 The main issue to be considered relates to the scale of the extension and its impact on adjacent residential properties. The projection of the extension at 5.4 metres is far in excess of the 3 metres recommended in guideline 5 of the Supplementary Planning Guidance, (to the Sheffield Unitary Development Plan), on Designing House Extensions. In addition, as the property is a terraced property, the impact upon neighbours is greater. It has an overbearing impact upon the neighbouring properties.
- 4.4 Unitary Development Plan Policy BE5 (c) 'Building Design and Siting' states that all extensions should respect the scale, form, detail, and materials of the original building. The extension comprises of breeze block without windows doors and rendering and in this condition is in conflict with Policy BE5.

4.5 Development Plan Policy H14 (a), Conditions on Development in Housing Areas, requires that new buildings, and extensions, are well designed and in scale and character with neighbouring buildings.

4.6 For the above reasons the extension as built is considered to cause an unreasonable overbearing impact to the neighbouring houses at no.10 and 14, which is detrimental to the living conditions of those properties. It is also contrary to Unitary Development Plan Policy H14 (c) which states new development should not deprive residents of light, privacy, or security or cause serious loss of existing garden space. The side window opening compromises the privacy to number 14 Croydon Street and the extension substantially reduces the size of the yard space.

## 5. ASSESSMENT OF ENFORCEMENT OPTIONS

5.1 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 extension. 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 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 extension.

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





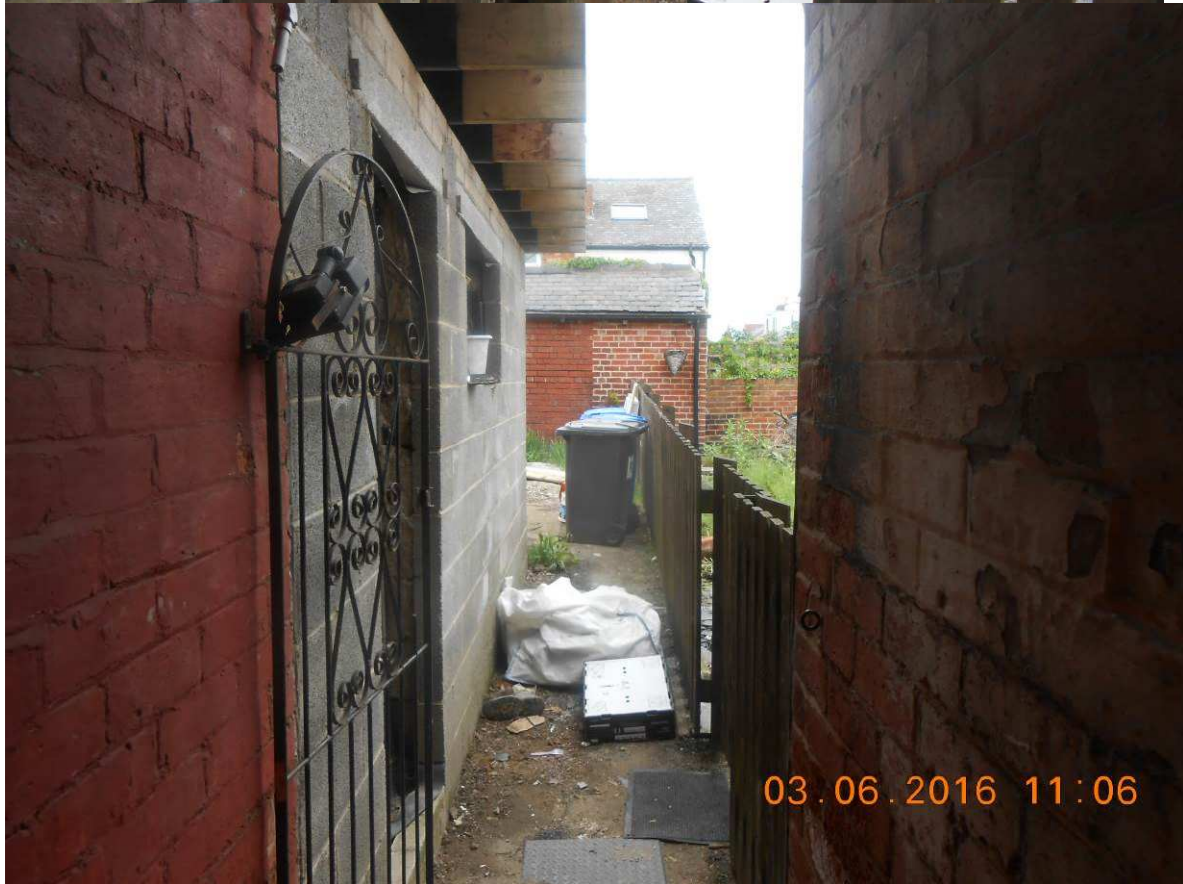
Photos - 12 Croydon Road











Flo Churchill  
Interim Head of Planning: Chief Planning Officer

14<sup>th</sup> February 2017