

**REPORT TO CITY CENTRE SOUTH &  
EAST AREA PLANNING & HIGHWAYS  
COMMITTEE**

DATE 11 JUNE 2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM

SUBJECT 20A CLARKEHOUSE ROAD, SHEFFIELD, S10 2LB

**SUMMARY**

TO INFORM MEMBERS OF THE SITUATION AT THE ABOVE ADDRESS AND MAKE RECOMMENDATIONS ON THE APPROPRIATE FORM OF ACTION.

**RECOMMENDATIONS**

THAT THE AREA COMMITTEE AUTHORISES THE CITY SOLICITOR TO TAKE ALL NECESSARY STEPS, INCLUDING ENFORCEMENT ACTION AND IF NECESSARY THE INSTITUTION OF LEGAL PROCEEDINGS, TO SECURE THE REINSTATEMENT OF THE DEMOLISHED PORTIONS OF BOUNDARY WALL ADJOINING A LISTED BUILDING

FINANCIAL IMPLICATIONS

NO

PARAGRAPHS

CLEARED BY

**BACKGROUND PAPERS**

CONTACT POINT FOR ACCESS

STEWART GREENSLADE

TEL NO: 0114 203 7894

AREA(S) AFFECTED

CATEGORY OF  
REPORT

OPEN

## DEVELOPMENT SERVICES

REPORT TO CITY CENTRE SOUTH  
AND EAST PLANNING AND  
HIGHWAYS COMMITTEE  
11 JUNE 2012

### ENFORCEMENT REPORT

#### UNAUTHORISED DEMOLITION OF PORTIONS OF BOUNDARY WALL ADJOINED TO A LISTED BUILDING AT 20A CLARKEHOUSE ROAD, SHEFFIELD, S10 2LB

##### 1. PURPOSE OF REPORT

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

##### 2. BACKGROUND AND LOCATION

2.1 20A Clarkehouse Road is a self-contained flat within an end-of-terrace, brick built property. The terrace as a whole is Grade II listed, and dates back to c.1845. It is located within the Broomhill Conservation Area.

2.2 A complaint was received in July 2011, regarding the demolition of the boundary wall attached to the property and the removal of a large tree within the rear curtilage.  
A subsequent visit to the site was carried out, and it was seen that the vehicle opening to the rear curtilage/parking area had been widened via the demolition of two portions of wall at each side of the entrance. This had been done without having firstly gained the requisite listed building consent. Additionally, there were no trees remaining within the rear curtilage.

2.3 Consent had previously been granted in May 2011, for alterations to the flat. The approved drawings stated that no further demolition work to the wall was proposed, and showed the retention of a number of trees within the rear curtilage area.

2.3 An initial letter was sent to the Owner outlining the breaches of listed building control that had occurred at the property. A response letter was received from the Owner outlining details of the site prior to the commencement of works.

After assessment of this response letter, further correspondence was sent to the Owner giving revised details of the required works. This

stated that the portions of the demolished wall were required to be re-instated in an appropriate manner. It was concluded that it would not be reasonable to pursue the removal of tress, since the previously existing trees were not considered to have been in particularly good condition, and did not have a high visual amenity value due to them not being in a prominent location.

The Owner responded by confirming that the required works were to have been carried out by the end of February 2012. Further correspondence was later received from the Owner stating that the works had not been carried out due to funding issues and the expense of the procedure.

In order to ensure that the works were not delayed beyond that point, a deadline of the end of April 2012 was given to the Owner. The Owner provided a reply stating that based upon difficulties in obtaining a qualified tradesman the works would instead be completed by the end of May.

### 3 ASSESSMENT OF THE BREACHES OF CONTROL

- 3.1 The access opening as it previously existed featured a short stone portion close to ground level on the right hand side of the opening and brickwork that was reasonably well detailed at the termination points. The amended opening simply involves the 'slicing off' of two lengths of the wall.
- 3.2 Unitary Development Plan Policy BE16 'Development in Conservation Areas' states that in Conservation Areas permission will only be given for proposals which contain sufficient information to enable their impact on the area to be judged acceptable and which would preserve or enhance the character or appearance of the Conservation Area.
- 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.
- 3.4 Unitary Development Plan Policy BE17 'Design and Materials in Areas of Special Architectural or Historic Interest' requires a high standard of design using traditional materials.
- 3.5 Unitary Development Plan Policy BE19 'Development Affecting Listed Buildings' states that internal or external alterations to a Listed Building will be expected to preserve the character and appearance of the building, and where appropriate preserve original details and features of interest. Proposals for development within the curtilage of a listed building will be expected to preserve the character and appearance of the building and its setting.

- 3.6 The Broomhill Conservation Area Appraisal refers to the area's 19<sup>th</sup> century buildings, such as the terrace of buildings including the site in question, as being critical to the special interest of the conservation area. Boundary walls are also referred to as being a key characteristic of this part of the conservation area.

The Conservation Area Management Proposals document recommends that boundary walls are kept in a good state of repair using historic and traditional materials, and that alterations to boundary walls will normally be resisted.

- 3.7 The removal of the portions of boundary wall has been done rather crudely, and is considered to have a detrimental impact upon the appearance and character of the listed building. The wall acts to enclose the curtilage to the listed building, and is therefore considered to represent a key part of its character. The brick work has been cut through in a manner unsympathetic to the listed building, and pays no regard to the historic significance of the building or its contribution to the character of the area. Overall, the works are considered to fail to comply with the aims of policies BE16, BE17 and BE19.

- 3.7 The widened access is shown in the below photographs, illustrating the harmful impact upon the listed building:





- 3.11 As covered above the Owner has indicated that the works are due to be completed by the end of May 2012. A Listed Building Enforcement Notice would then be issued if this deadline was not achieved. The Listed Building Enforcement Notice would require the reinstatement of the two portions of wall either side of the access. This would be required to be carried out using matching stone and bricks, providing brick column type additions.

#### 4 REPRESENTATIONS

- 4.1 The initial complaint was received from a neighbour regarding the demolition of the boundary wall and the removal of a tree to the rear of the building.

#### 5 ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Regularisation of the existing widened access through the submission of an application for listed building consent is not being recommended.
- 5.2 Section 38 of the Planning (Listed Buildings and Conservation Areas) Act provides for the service of a listed building enforcement notice where there has been a breach of listed building control. In this case such a notice would require remedial measures to be carried out to deal with the breach. This would involve the re-instatement of the two portions of wall which have been removed using appropriate materials and mortar. The ends of the portions of wall would be required to be finished appropriately, so that only complete bricks were exposed and not cut bricks. There is a right of appeal to the Planning Inspectorate against the Enforcement Notice. It is considered, however, that the Council would be able to successfully defend any such appeal.

#### 6 EQUAL OPPORTUNITIES

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

#### 7 FINANCIAL IMPLICATIONS

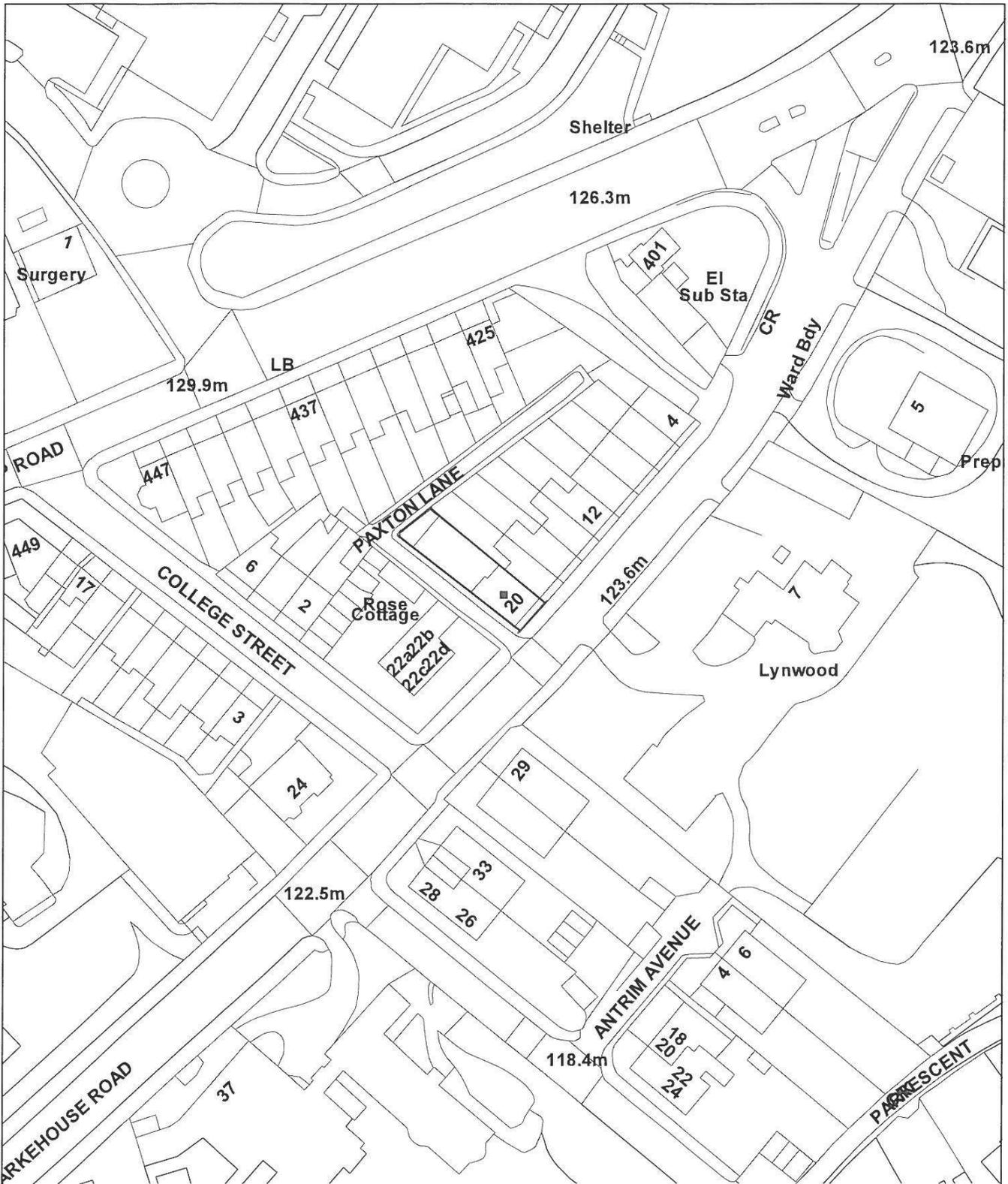
- 7.1 There are no financial implications arising from the recommendations in this report.

#### 8 RECOMMENDATION

- 8.1 That the Director of Development Services or Head of Planning be authorised to take all necessary steps, if needed, enforcement action and the institution of legal proceedings to secure the re-instatement of the demolished portions of wall, using suitable materials and finished in an appropriate manner.

D Caulfield  
Head of Planning

11 June 2012

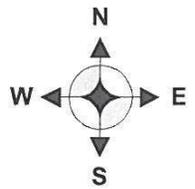


Development Services,  
 Sheffield City Council,  
 Howden House,  
 1 Union Street,  
 SHEFFIELD  
 S1 2SH  
 Tel: 0114 272 6444 (Switchboard)  
 Email: [planningdc@sheffield.gov.uk](mailto:planningdc@sheffield.gov.uk)

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

© Crown copyright. Page 77 reserved.  
 10018816. 2005

Scale : 1:1000



Date: 23 May 2012

This page is intentionally left blank