

**REPORT TO CITY CENTRE, SOUTH AND
EAST PLANNING AND HIGHWAYS AREA
COMMITTEE**

DATE 13 AUGUST 2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM

SUBJECT ENFORCEMENT REPORT

UNAUTHORISED REPLACEMENT OF WINDOWS AND BOUNDARY WALL TO THE FRONT OF 20 ALBANY ROAD, S7.

SUMMARY

THE PURPOSE OF THIS REPORT IS TO INFORM COMMITTEE MEMBERS OF A BREACH OF PLANNING CONTROL AND TO MAKE RECOMMENDATIONS ON ANY FURTHER ACTION REQUIRED.

RECOMMENDATIONS

THAT AUTHORITY BE GIVEN TO THE DIRECTOR OF 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 UNAUTHORISED WINDOWS AND BOUNDARY WALL .

FINANCIAL IMPLICATIONS

NO

PARAGRAPHS

CLEARED BY

CATHERINE RODGERS

BACKGROUND PAPERS

CONTACT POINT FOR ACCESS

BRENDAN GILLESPIE

TEL NO: 203 7798

AREA(S) AFFECTED

**CATEGORY OF
REPORT**

OPEN

CLOSED
Paragraphs(s)

DEVELOPMENT SERVICES

REPORT TO CITY CENTRE, SOUTH AND EAST PLANNING AND HIGHWAYS AREA COMMITTEE

13 August 2012

ENFORCEMENT REPORT

UNAUTHORISED REPLACEMENT WINDOWS AND BOUNDARY WALL TO THE FRONT OF THE DWELLING AT 20 ALBANY ROAD WHICH LIES WITHIN THE NETHER EDGE ARTICLE 4 CONSERVATION AREA

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 20 Albany Road is a traditional stone built detached property located within Nether Edge Conservation Area, and is covered by an Article 4 (2) direction. The Article 4(2) direction was declared in 2005 and was placed on properties which had traditional features on buildings of merit within the street scene.
- 2.2 The Council was first alerted that workmen were converting the house into separate flats and taking out the windows on 2nd October 2008. A visit to the site was made that day and officers witnessed interior work being carried out on the house but the traditional windows had already been replaced with new Brown uPVC windows not considered to be in keeping with the character of the Article 4 Conservation Area.
- 2.3 The workmen advised that the new owner intended to use the house as a traditional family home and had no intentions to convert the property into separate flats. The next day the owner rang the office and was advised that the work to replace the windows was unauthorised and the new windows fitted were not considered suitable or in keeping with the character of the properties within the Conservation Area. He was informed the Council would write confirming this and would also consider taking enforcement action to secure the windows removal

- 2.4 A letter was sent to the owner concerning the unauthorised works, together with a Section 330 Notice, that was returned on 28th October 2008. (A section 330 Notice requires the owner to provide information to the Council such as their interest in the building, and works that have been carried out etc).
- 2.5 In December 2008 a further phone call was received from a neighbour advising that the original small front boundary wall and the hedging had now been replaced by a breeze block wall. Again this wall is unauthorised and not in keeping with the character of the Conservation area. Officers also noticed a velux window had been installed on the roof on the front elevation, which had also been fitted post the Article 4 restrictions.
- 2.6 Officers acknowledge that a considerable amount of time has passed since the breach was first noticed. It also acknowledges that delays have occurred in trying to take further action against this site. Since the creation of the new enforcement team processes are being introduced to identify these delayed cases and take further action and ensure that similar delays no longer happen.
- 2.7 Enforcement action in respect of all breaches of planning control is subject to time limits – 4 years for operational development and 10 years for change of use, the onus is on the owner to prove this. In this case no evidence has been produced by the owner to show that the works were carried out more than 4 years ago. It is considered that on the balance of probability, the lack of evidence submitted by the owner and information held by the Council is sufficient to consider that the works were carried out within the last 4 years.
- 2.8 The house, showing the windows as they were at the time when the Article 4 restrictions were imposed, along with the windows as recently replaced, together with the boundary wall that was subsequently built and subject of this report, are shown in the photographs below.

Original Windows and Frontage – December 2005



Replacement Windows and Wall Frontage



3. ASSESSMENT OF THE BREACHES OF CONTROL

3.1 The original bay windows were wooden framed traditional sash opening whilst the first and second floor windows were wooden framed

although not sash opening. These traditional style sash windows are an important feature in the many Victorian and Edwardian villas within the Nether Edge Conservation Area. The replacements are all however brown uPVC frames with detailing on the glass and all non sash opening, which have a detrimental appearance on the house.

- 3.2 The installation of the breeze block wall at the front of the house is an inappropriate boundary treatment that should be replaced by a wall of more traditional materials such as stone or brick.
- 3.3 The installation of the velux window is considered to be acceptable due to its limited impact.
- 3.4 The Local Planning Authority consider that the retention of the uPVC windows as installed and the front boundary wall by reason of their external appearance, poor detailing and material, gives rise to an unsatisfactory appearance, and therefore fails to preserve or enhance the character of the Nether Edge Conservation Area and is therefore contrary to the aims of policies BE5, BE15 and BE17 of the Unitary Development Plan

4. ASSESSMENT OF ENFORCEMENT OPTIONS

- 4.1 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 suspected breach of control and property ownership. It also gives an opportunity for the developer 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 we already have details of ownership and the dates and nature of the breach. Furthermore we have already discussed the options with the owner so a PCN is unlikely to prove useful.
- 4.2 Section 172 of the Act provides for the service of an enforcement notice, (EN). In this case such a notice would require remedial measure to ensure that the perceived harm is remedied. In this case this would be that the Windows should be replaced with wooden sash windows substantially similar to those removed and the front boundary wall should be replaced with a treatment substantially similar to that previously in place.

5. EQUAL OPPORTUNITIES

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

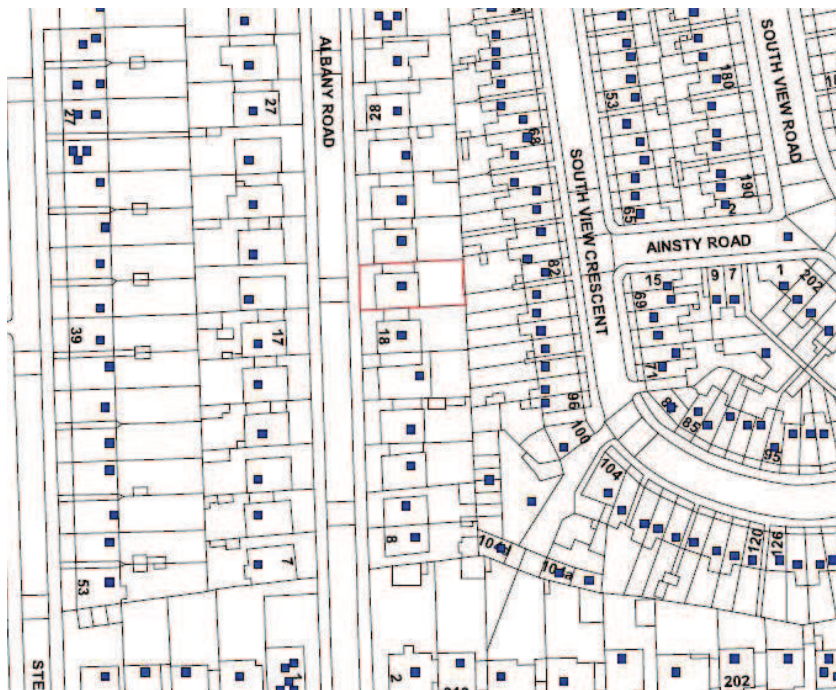
6. FINANCIAL IMPLICATIONS

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

7. RECOMMENDATION

7.1 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 unauthorised windows, excluding the velux window in the roof, and boundary wall to the front of 20 Albany Road.

SITE PLAN 20 Albany Road, Sheffield, S7



Dave Caulfield
Head of Planning

30th July 2012