



DATE 03 September 2012

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

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM 11

SUBJECT UNATHORISED DECKING AT 253 MEADOW HEAD SHEFFIELD S8

SUMMARY

TO INFORM MEMBERS OF A BREACH OF PLANNING CONTROL AND TO MAKE RECOMMENDATIONS ON ANY FURTHER ACTION REQUIRED

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 unauthorised decking at 253 Meadow Head

FINANCIAL IMPLICATIONS

NO

PARAGRAPHS

CLEARED BY

BACKGROUND PAPERS

CONTACT POINT FOR ACCESS FIONA SINCLAIR

TEL NO: 273 7370

AREA(S) AFFECTED

**CATEGORY OF
REPORT**

OPEN

CLOSED
Paragraphs(s)

ENFORCEMENT REPORT

UNAUTHORISED DECKING TO THE REAR OF 253 MEADOW HEAD
SHEFFIELD S8

1. PURPOSE OF REPORT

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

2. BACKGROUND

- 2.1 A complaint was received regarding the erection of a timber decked area in the rear garden of 253 Meadow Head
- 2.2 Following a site visit, and discussion with the property owners, on 22/06/2012; correspondence was entered into, with them, confirming that, because the decked area is more than 300mm above ground level, it does not meet the requirements of Class E of the Permitted Development Order 2008, and that given, the impact on the amenities, and privacy, of the users of the rear gardens to 251 and 255 Meadow Head, it is unlikely that planning permission would be granted they should arrange to have it removed.
- 2.3 Despite correspondence instructing the owners to remove or reduce the height of the decked area they have yet to do so.

3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 The Permitted Development Order 2008; states that a raised platform with a height greater than 300mm is not deemed to be permitted development.
- 3.2 The height of the decked area, approximately 800mm, would provide, users of clear views into the gardens of 251 and 255 Meadow Head and 24 Birch Farm Avenue; depriving the occupants, of these properties, of the privacy their rear gardens enjoyed prior to its erection and would, therefore, be contrary to policy H14 of the Unitary Development Plan (see photograph).

- 3.3 Although it maybe possible that screening of the decked area could be used to help resolve the situation; the property's owners have declined to respond to correspondence instructing them to reduce the height of the decking so that it does not exceed 300mm above ground level; nor have they submitted a planning application to try and secure planning permission to retain the decking. Therefore, the taking of enforcement action is considered to be necessary to bring the matter to a satisfactory conclusion.

4. ASSESSMENT OF ENFORCEMENT OPTIONS

- 4.1 Section 171C of the Town and Country Planning Act provides for the service of a Planning Contravention Notice. The notice requires information about the breach of planning control and property ownership. It also gives an opportunity for the recipient to meet with officers to make representations. Such a meeting could be used to encourage regularisation by retrospective application and/or discussions about possible remedies where harm has resulted from the breach. In this case, however, such a notice is not considered appropriate as details of use, ownership and interests in the land have already been established. Moreover, attempts encourage the owner to remedy the situation have failed; and, regularisation by planning permission is not recommended in this report.
- 4.2 Section 172 of the Town and Country Planning Act provides for the service of an Enforcement Notice. In this case such a notice would be appropriate and would require the removal of the decked area from the rear garden of 253 Meadow Head.

5 EQUAL OPPORTUNITIES

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

6 FINANCIAL AND EQUAL OPPORTUNITY IMPLICATIONS

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

7.0 RECOMMENDATIONS

- 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 timber decking at 253 Meadow Head.

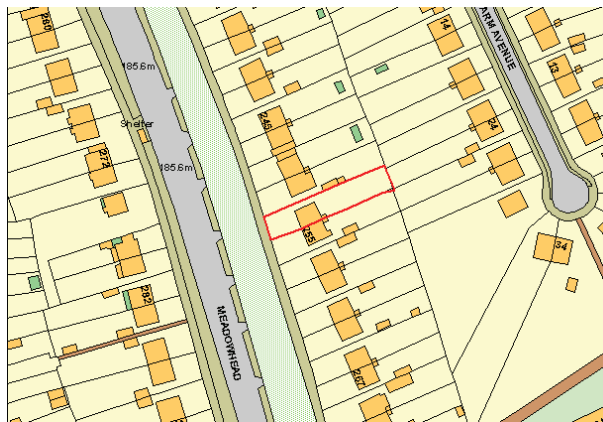
Photograph showing unauthorised timber decking



Edited photograph showing how the garden may look following the removal of the decked area



SITE PLAN



D Caulfield

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