

DEVELOPMENT SERVICES

REPORT TO CITY CENTRE
SOUTH & EAST PLANNING AND
HIGHWAYS COMMITTEE
5 NOVEMBER 2012

ENFORCEMENT REPORT

UNAUTHORISED ERECTION OF FLUES AT THE REAR OF 64 AND 66 WICKER, THE UNAUTHORISED ERECTION OF FIRST FLOOR REAR EXTENSION AND RAILINGS AT 66 WICKER AND THE UNAUTHORISED ERECTION OF REAR EXTENSION, STEPS, RAILINGS AND THE CREATION OF AN ENTRANCE DOOR AT THE SIDE OF 68 WICKER, S3, AND UNTIDY APPEARANCE OF THE SIDE ELEVATION OF 68 WICKER, S3

1. PURPOSE OF REPORT

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

2. BACKGROUND

- 2.1 64 - 68 Wicker are three to four storey properties set within a small block of five properties. They are located adjacent to the new inner relief road and as such are particularly prominent in public views. The site lies within the Central Shopping Area as defined in the Unitary Development Plan (UDP).
- 2.2 The ground floor of number 64 is currently occupied as a takeaway with seating area upstairs and number 66 and 68 are currently unoccupied, with residential use upstairs.
- 2.3 A number of planning applications have been submitted for these properties in the past and a number of formal enforcement issues have previously been investigated.
- 2.4 A written enquiry was received regarding an extension at the rear of 68 Wicker, when Officers investigated this they found that the extension had planning consent (11/00222/FUL), however, none of the planning conditions attached to the planning permission had been discharged and Officers also noticed a number of other planning breaches at the rear of these properties.
- 2.5 64 and 66 Wicker – Two flues have been erected at the rear of the property to the side of No. 64 adjacent to No.66. Enforcement action was taken against one of the flues in 2008 and this was

subsequently removed. However, since then the flue that was removed has been re-erected together with another unauthorised flue.

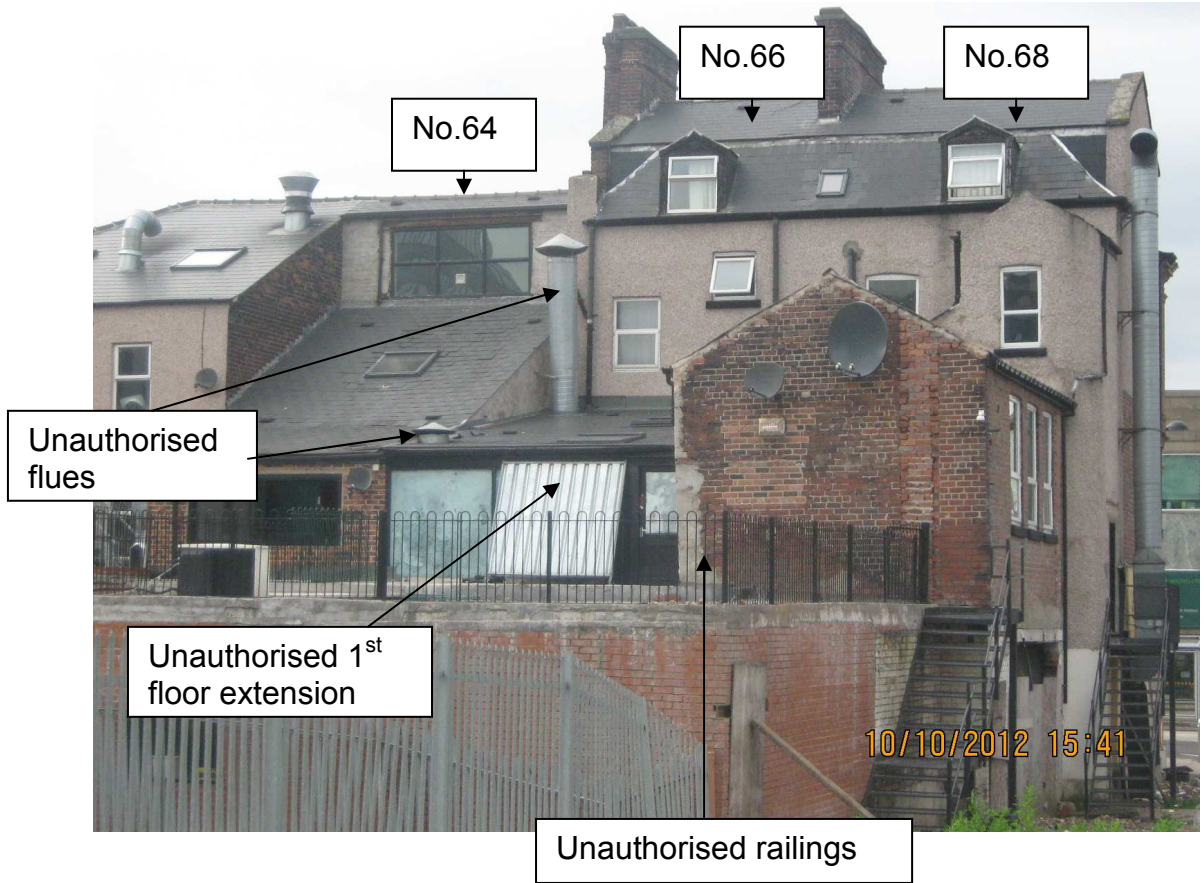
- 2.6 66 Wicker – A rear first floor extension has been erected without planning consent.
- 2.7 68 Wicker – An unauthorised rear ground floor extension has been erected. A stop notice was served in April 2010. A subsequent planning permission (11/00222/FUL) was obtained on 17 June 2011 for the single storey rear extension and alterations to shop front of No. 68, increased height to rear extension at No. 66, external stair way to side of No. 68 and over the single storey rear extension of No. 66. This planning consent required the unauthorised extension to be removed and rebuilt in accordance with the approved plans. This has not happened and furthermore none of the planning conditions have been complied with yet. A second external staircase has also been erected at the side of the property leading to an unauthorised entrance that has been created at first floor level.
- 2.8 Metal railings have been erected around the flat roof of the ground floor rear extensions at 66 and 68 Wicker creating an enclosed area.
- 2.9 It is considered expedient that these matters are reported directly for enforcement action because of the extensive nature of the problems and the fact that the owner has been un-cooperative in the past with these and other properties within Sheffield and in many cases the Council has had to take legal action against the owner to resolve the issues and ensure that they comply with the Notices.

3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 The properties are located within the Central Shopping Area as defined within the UDP.
- 3.2 Unitary Development Plan Policy S10 'Conditions on Development in Shopping Areas' states that new development must not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health and safety and be well designed and of a scale and nature appropriate to the site.
- 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 and all extensions should respect the scale, form, detail and materials of the original building.
- 3.4 Wicker is referred to in the Urban Design Compendium as part of the Riverside Quarter and states that it is, 'an ancient route into Sheffield and much of its significant 19th Century architecture remains in tact'.

The buildings are identified as 'unlisted significant buildings (contributing to the character of the area)'.

- 3.5 In addition the Wicker and the inner relief road has been the subject of recent major highways and public realm improvements which have lead to significant improvement in the quality of the general appearance and visual amenities of the area.
- 3.6 Given the history of this area and the recent environmental improvements and the prominence of the site, it is considered necessary that any development in this area should be of a high standard.
- 3.7 64 and 66 Wicker - The positioning of the fume extraction units at the rear of the building are considered to be harmful to the amenities of the locality and the occupiers of the adjoining properties. The Council would require the discharge point of the flue to be positioned so as not to cause nuisance to neighbouring residents. Ideally the flues would run internally and then exit through the main roof.
- 3.8 66 Wicker – The rear first floor extension at 66 is considered unacceptable due to its poor design and materials used and planning permission would be resisted in its current form.
- 3.9 68 Wicker – As part of planning permission (11/00222/FUL) the rear extension was considered to be poorly constructed and it should have been replaced with the approved details which were of a higher standard. A new unauthorised staircase has also been erected leading to an unauthorised exit/entrance at the side of 68 Wicker this is considered unacceptable due to the poor visual impact and prominent location.
- 3.10 66 – 68 Wicker – The metal railings that have been erected around the flat roof of the ground floor extension of 66 and 68 Wicker to create an outside area are considered unacceptable due to their visual impact.
- 3.11 The photo images below show the properties in question, and clearly demonstrate that the visual harm is unacceptable in this area. The flues, the rear first floor extension, the ground floor extension, the railings and the creation of entrance door and staircase are all visually obtrusive and out of character within this area, particularly bearing in mind the public realm improvements that have taken place here and the prominence of the site from the inner relief road.



4. REPRESENTATIONS

- 4.1 A written representation was received concerning the state of the extension at the rear of 68 Wicker.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 The service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 enables the Local Planning Authority to issue Enforcement Notices where there has been breach of planning control. In this case the notice would require the removal of the flues, the rear first floor extension and rear ground floor extension, the railings, the steps and the entrance door at the side of 68 Wicker. There is a right of appeal to the Planning Inspectorate against the service of an Enforcement Notice. However it is considered that the Council would be able to defend any such appeal.
- 5.2 The service of a Breach of Condition Notice under Section 187A of the Town and Country Planning Act 1990 enables the Local Planning Authority to issue a Breach of Condition Notice where planning permission has been granted and the conditions have not been complied with. It is an offence to contravene the requirements of a Breach of Condition Notice served under 187A of The Town and Country planning Act 1990. A person found guilty of an offence through the magistrate's court shall be liable of a fine of up to £1,000 for the first offence and subsequent offence. If the owner/occupier fails to comply with the notice then an offence will have been committed and legal action would be seen as the best option for ensuring full compliance with the conditions of the planning approval 11/00222/FUL dated 17 June 2011.
- 5.3 The service of a Section 215 Notice of the Town and Country Planning Act 1990 enables the Local Planning Authority to issue a Section 215 Notice where the Council believe that the site has an adverse effect on the amenity of the neighbourhood. In this case the notice would require the removal of the boards at the side of No. 68 and replace them with glazing as approved by planning permission 11/00222/FUL, render the area of exposed brick work at the side of the building with cream render to match the existing render and generally tidy the ground at the side of the property by creating permeable paving to enhance the appearance of the poorly surfaced ground. There is a right of appeal to the Magistrates Court against the service of a Section 215 Notice. However it is considered that the Council would be able to defend any such appeal.
- 5.4 If the owner or occupier of the land, on whom the notice is served, fails to take the steps required by the notice within the period specified in it for compliance, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. The Council may also enter the land and take those steps and may recover

from the then owner of the land any expenses reasonably incurred by the Council in doing so.

6. FINANCIAL IMPLICATIONS

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

7. EQUAL OPPORTUNITY IMPLICATIONS

7.1 There are no equal opportunities implications arising from the recommendations of this report

8. RECOMMENDATIONS

8.1 That authority be given to the Director of Development Services or the Head of Planning to take all necessary steps:

- a) including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised flues at 64 - 66 Wicker, the rear first and ground floor extensions and the railings at 66 and 68 Wicker and the unauthorised steps and door at the side at 68 Wicker.
- b) including the service of a Breach of Condition Notice and the institution of legal proceedings to comply with the Breach of Condition Notice and thereafter take all necessary action required to ensure compliance with the conditions of the planning approval 11/00222/FUL dated 17 June 2011 for 68 Wicker.
- c) including the service of a S215 Notice and the institution of legal proceedings, if necessary, secure the removal of the boards and replace them with glazing, render the area of exposed brick work at the side of the building at ground floor level with cream render, and pebbledash the exposed brick work at first floor level area to match the existing pebbledash as approved by planning permission 11/00222/FUL, and generally tidy the ground at the side of No. 68 Wicker by creating permeable paving.

Dave Caulfield
Head of Planning

24 October 2012