

DEVELOPMENT SERVICES

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

25 FEBRUARY 2013

ENFORCEMENT REPORT

UNAUTHORISED REMOVAL OF CHIMNEY STACK AT THE FRONT OF 8
CHANDOS STREET, S10.

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 recommendations on any further action required.

2. BACKGROUND AND BREACH

- 2.1 8 Chandos Street is a traditional stone built mid terrace property. The property is located within the Broomhill Conservation Area and within Broomhill District Shopping Centre as designated in the Unitary Development Plan. The property is also within the Broomhill Article 4(2) Area. The property is currently being used as student accommodation.
- 2.2 An Officer noticed the replacement of roof slates and the removal of the chimney stack at the front of the property in July 2010. The owner was contacted and informed that there are no permitted development rights for development fronting the highway. Subsequently a planning application was submitted (10/02749/FUL) for the alterations to the roof and the replacement of windows at the front of the property. The application excluded the removal of the chimney stack. It was verbally agreed that the owner would replace the chimney stack at a later date.
- 2.3 Several assurances have been given by the owner and the architect acting on behalf of the owner that the chimney stack would be replaced with a brick chimney stack similar to the one erected at 12 Chandos Street. However, to date, the chimney stack has not been reinstated and it is now considered that the matter should be reported for further action.
- 2.4 A notice under Section 330 of the Town and Country Planning Act, 1990 was served on the owner on the 7 August 2012, requesting further information regarding the ownership of the property. To date, the notice has not been returned.

3. ASSESSMENT OF BREACH OF CONTROL
 - 3.1 Large parts of the Broomhill Conservation Area were declared an Article 4(2) Area in October 2009. This removes certain permitted development rights from properties, including the removal of chimney stack.
 - 3.2 Unitary Development Plan Policy BE15 'Areas and Buildings of Architectural and Historical Interest' states that buildings and areas of special architectural or historical interest which are an important part of Sheffield's heritage will be preserved or enhanced and that development which would harm the character or appearance of a Conservation Area will not be permitted.
 - 3.3 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 this includes (a) demolition of buildings, walls and other features and which would preserve or enhance the character or appearance of the Conservation Area.
 - 3.4 Unitary Development Plan Policy BE17 'Design and Materials in Areas of Special Architectural or Historic Interest' states that in conservation Areas and Areas of Special Character a high standard of design using traditional materials.
 - 3.5 The Broomhill Conservation Area Management Proposal which was adopted on 17 December 2007 refers to the loss of architectural features such as chimneys that have spoiled the external appearance of buildings and the local street scene.
 - 3.6 The Proposal recommended that in order to prevent further, small scale, incremental erosion of the character of the Conservation Area, an Article 4 Direction could be imposed, removing Permitted Development rights for such works. An Article 4(2) Direction was imposed in October 2009, following consultation with local residents and property owners.
 - 3.7 It is considered that the unauthorised removal of the chimney stack fails to preserve or enhance the character of Broomhill Conservation Area. As a result the works are contrary to the aims of the policies BE15, BE16 and BE17 of the Unitary Development Plan. Therefore it is highly unlikely that planning permission would be granted should a retrospective application be submitted.
 - 3.8 The Photo image below show the property in question before and after the removal of the chimney stack. The photographs clearly demonstrate that chimney stacks are a common and traditional feature within the street scene. The unauthorised removal of the chimney

stack leads to a break in the rhythm of the roofscape that has a negative impact upon the character of the Conservation Area, and is contrary to the aims of the Article 4 Direction.

Before

Chimney stack that has been removed



After

Chimney stack should be here



4. REPRESENTATIONS

- 4.1 An Officer noticed unauthorised works being carried out on the roof of the property. No representations have been received from members of the public.

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 remedial measures to ensure that the perceived harm is remedied. In this case this would be that the chimney stack at the front of the property facing Chandos Street should be replaced with a brick chimney stack substantially similar to what existed previously. 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 successfully defend any such appeal.
- 5.2 Section 330(4) of the Town and Country Planning Act, 1990 states: "any person who without reasonable excuse fails to comply with a Notice served on him under Section 330(1) shall be guilty of an offence". The information requested in the Notice is essential to ensure effective enforcement action. It is appropriate therefore that Committee considers authorising legal action against the recipient of the Notice for an offence under the Act.

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 Head of Development Services or Head of Planning to:
- a) take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the reinstatement of the brick built chimney stack substantially similar to what existed previously at 8 Chandos Street, and
 - b) Institute legal proceedings against the recipient of the Section 330 served on the 7 August 2012 for failing to reply.

- 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.

D Caulfield
Head of Planning

13 February 2013



Development Services,
 Sheffield City Council,
 Howden House,
 1 Union Street,
 SHEFFIELD
 S1 2SH
 Tel: 0114 272 6444 (Switchboard)
 Email: 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. All rights reserved.
 10018816. 2005

Scale : 1:1250



Date: 12 February 2013

