

**E/14/0382/A – Unauthorised installation of extractor flue within a Conservation Area at Café Masala, 10 London Road, Bishop’s Stortford, CM23 5ND**

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**Parish: BISHOP’S STORTFORD CP**

**Ward: BISHOP’S STORTFORD ALL SAINTS**

**RECOMMENDATION:**

That the Director of Neighbourhood Services, in consultation with the Director of Finance and Support Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the extractor flue.

Period for compliance: 4 Months

Reasons why it is expedient to issue an enforcement notice:

1. The unauthorised flue, by reason of its siting, height and materials of construction is unduly prominent and visually intrusive in the street scene, to the detriment of the character and appearance of the surrounding Conservation Area. The development is thereby contrary to policies BH5 and ENV1 of the East Herts Local Plan Second Review April 2007.

\_\_\_\_\_ (038214A.KDS)

**1.0 Background**

- 1.1 The site is shown on the Ordnance Survey extract, approximately 2km east of the main town centre and within the Bishops Stortford Conservation Area. The premises comprise of a restaurant and take away food outlet which is within a row of shops to the west side of London Road, just south of the main crossroad junction with Hockerill Street, Dunmow Road and Stansted Road. Directly opposite this row of shops are a series of 4 listed buildings. There are also listed buildings present on the other three corners of the crossroad junction.
- 1.2 Concerns were expressed to this authority in late October 2014 that an extractor flue had been installed on the roof of the premises without the benefit of planning permission.
- 1.3 Officers wrote to the owner on 13 November 2014 and carried out a site visit on 03 December 2014 where it was established there was a large silver extractor flue that had been installed to the rear of the building

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and extending over the roof of the premises which was visually prominent from the nearby street scene.

- 1.4 The owner subsequently advised Officers that he was under the impression that there was permission for the flue to be in place. This was clarified as not being the case and Officers advised the owner that planning permission would be required for the flue and also advised what changes were likely to be required to make the development acceptable.
- 1.5 The owner was advised that the overall height of the flue protruding over the roof should be lowered and the removal of the 'right-angled bend' would also be looked upon as a more favourable option. It was also recommended that the colour be changed to be more in keeping with the historic setting of the Conservation Area.
- 1.6 The owner was advised to apply for full planning permission in order to resolve this matter. The last correspondence from the Council to the owner was on 3 September 2015 to which there has been no response nor any application submitted. The unauthorised development remains in place.

## 2.0 Planning History

- 2.1 The most relevant planning history for the premises can be summarised as follows:

3/07/1150/FP	Rear extension to existing restaurant.	Approved with conditions
3/13/0475/FP	Part roof rebuilt after fire damage including alteration to roof pitch and raising of ridge to create storage space within roof void – retrospective.	Approved with conditions

## 3.0 Policy

- 3.1 The relevant policies of the East Herts Local Plan Second Review April 2007 are:

BH5 Extensions and Alterations to Unlisted Buildings in Conservation Areas.

ENV1 Design and Environmental Quality.

Section 7 of the National Planning Policy Framework (NPPF) –

Requiring Good Design - is also relevant material consideration in this matter.

#### **4.0 Considerations**

- 4.1 The unauthorised flue is prominent above the roof top of the property and is of a reflective metallic material which increases its prominence within the street scene. It is particularly visible when travelling south in Stansted Road as well as west in Hockerill Street. Photographs of the property will be available at the committee meeting.
- 4.2. The premises are within the Conservation Area of Bishop's Stortford and the flue is considered to be out of keeping with the special architectural or historical interest of the area, the character or appearance of which it is desirable to preserve or enhance. Policy BH5 of the Local Plan encourages extensions or alterations to unlisted buildings in Conservation Areas to be sympathetic in terms of scale, height, proportion, form, materials and siting in relation to the building itself. It is considered that the development in this case fails to accord with that policy.
- 4.3. Policy ENV1 also seeks to encourage developmental proposals to demonstrate compatibility with the structure and layout of the surrounding area and relate well to the massing and height of adjacent buildings and to the surrounding townscape. Again, the development does not accord with that policy.
- 4.4. Officers have assisted the owner of the site with advice on how to amend the existing flue in an attempt to encourage a planning application. To date, however, this has not been forthcoming.

#### **5.0 Recommendation**

- 5.1 For the above reasons it is recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the removal of the unauthorised flue.