

**E/15/0142/ENF – Unauthorised removal of fireplaces at Danes, 34 Little Berkhamstead Lane, Little Berkhamstead, Herts, SG13 8LU**

**Parish:** LITTLE BERKHAMSTEAD CP

**Ward:** HERTFORD – RURAL SOUTH

**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 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such further steps as may be required to secure:

- a) the removal of the unauthorised replacement fireplaces in the following rooms:
- Main hallway
  - Drawing room
  - Small living room
  - Dining room
  - Master bedroom,
  - Bedroom 3, and
- b) their replacement with fireplaces to match the original features.

Period for compliance: 6 Months

Reasons why it is expedient to issue an enforcement notice:

1. The removal of the original fireplaces has resulted in a loss of historic fabric and the replacement fireplaces, by reason of their inappropriate design, materials and detailing, have resulted in harm to the significant and special architectural and historic interest of this Grade II listed building. The development is therefore contrary to national planning policy guidance as set out in Section 12 of the National Planning Policy Framework.

\_\_\_\_\_ (014215.PD)

**1.0 Background**

- 1.1 The site is shown on the attached Ordnance Survey extract. The property is Grade II listed and is situated west of the village of Little Berkhamstead on a private drive off Little Berkhamstead Lane.

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- 1.2 The property is a Grade II listed building that is undergoing extensive renovations which were granted listed building consent under ref 3/14/0765/LB and which were considered to benefit the building and contribute to its historic character.
- 1.3 In May 2015, however, it was noted that seven of the original fireplaces at the property had been removed and replaced with new fireplaces of varying design. A retrospective application seeking consent to regularise the works was submitted in June 2015, under reference 3/15/1166/LBC, but was subsequently refused on 14<sup>th</sup> October 2015 for the following reason:
1. The removal of the original fireplaces has resulted in a loss of historic fabric and the proposed replacement fireplaces would result in harm to the significant and special architectural and historic interest of this Grade II listed building. The development is therefore contrary to national planning policy guidance as set out in Section 12 of the National Planning Policy Framework.

## 2.0 Planning History

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

3/15/1166/LBC	To regularise the removal of 7 fireplaces and replacement of those chimneypieces	Refused
3/14/0765/LB	Replace cement render to all external walls and chimneys with lime render and mineral paint. Repair and upgrade existing services including heating and power. Refurbish bathrooms and utility room. Internal alterations to second floor layout. Repair and replacement of defective rainwater goods. Repair windows and doors. Repair roof coverings.	Approved with conditions

## 3.0 Policy

- 3.1 The relevant policy considerations in this case relate to section 12 of the National Planning Policy Framework (NPPF)

## **4.0 Considerations**

- 4.1 The determining issue in this case relates to the impact of the unauthorised works on the special architectural and historic interest of the listed building.
- 4.2 Given the importance of the fireplaces to the historic character of the building, listed building consent would only be granted for their removal where their condition had deteriorated beyond reasonable repair. The owner of the property has indicated that the fireplaces were in a poor condition at the time, but Officers are not satisfied from the information available that they could not have been retained and appropriately restored. In any event, no application for listed building consent was submitted for the works prior to the removal of the features and the replacement fireplaces are considered to be inappropriate (with the exception of that in Bedroom 2) and harmful to the historic and architectural character of the building.
- 4.3 The replacement fireplaces in the main hallway, drawing room, small living room, dining room, master bedroom, and bedroom 3 are all considered to be unsympathetic to the character of the building and, as a collective, are considered to be harmful to the character and interpretation of the building.
- 4.4 Whilst it appears that the original fireplaces cannot now be recovered and reinstated, it is important to ensure that their replacements are of the same character, appearance and materials as the originals; sympathetic to the age and historic evolution of the property.
- 4.5 To ensure a satisfactory resolution to this matter, Officers consider it necessary to serve a Listed Building Enforcement Notice to secure the removal of the unauthorised replacement fireplaces and their replacement with authentic copies of the originals.
- 4.6 A period of 6 months for compliance with the Enforcement Notice is suggested in order to allow sufficient time for authentic copies of the originals to be made.

## **5.0 Recommendation**

- 5.1 The loss of the original fireplaces has caused significant harm to the character and historic fabric of the building and the replacement fireplaces are considered to be unsympathetic to the historic significance of the building and contrary to the requirements of the National Planning Policy Frameworks under paragraph 132.

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- 5.2 It is therefore recommended that authorisation be given to issue and serve a Listed Building Enforcement Notice requiring the removal of the unauthorised fireplaces and their replacement with features to match the originals.