

## DEVELOPMENT MANAGEMENT COMMITTEE – 6 JANUARY 2016

<b>Application Number</b>	<b>E/13/0293/A</b>
<b>Proposal</b>	<b>Unauthorised installation of extractor flue on a Grade II Listed Building</b>
<b>Location</b>	<b>The Straw Hat, Harlow Road, Sawbridgeworth</b>
<b>Parish</b>	<b>SAWBRIDGEWORTH</b>
<b>Ward</b>	<b>SAWBRIDGEWORTH</b>

### **RECOMMENDATION:**

That enforcement action be authorised as set out at the end of this report.

#### **1.0 Background**

- 1.1 The site is shown on the attached Ordnance Survey extract, and lies approximately 1km south west of the main town centre of Sawbridgeworth. The premises is a detached Grade II Listed Building with thatched roof, and comprises of a restaurant within a row of 4 detached and semi-detached houses, to the east side of A1184 Harlow Road, just south of the junction with Oak Drive. Directly opposite is Rowney Gardens with a row of detached houses set back from the main road.
- 1.2 Concerns were expressed to this authority in mid-September 2013 that an extractor flue had been installed on the rear elevation of the premises without the benefit of planning permission or listed building consent.
- 1.3 Officers carried out a site visit on 23 September 2013 where it was established that a large flue had been installed to the rear of the premises that was angled over the thatched roof, toward the main road. The site owner was advised that planning permission and listed building consent would be required for the flue but no applications have been submitted despite further correspondence with the owner in which they were advised to submit alternative proposals for a more suitably designed flue.
- 1.4 The last correspondence from the Council to the owner was a letter sent 18 November 2015 and an email sent on 20 November 2015 to which there has been no response nor any application submitted.

#### **2.0 Planning History**

- 2.1 The most recent and relevant planning history for the premises can be

summarised as follows:

3/07/0398/FP	Installation of seven external lights to the building and grounds (retrospective)	Refused
3/07/0399/LB	Installation of four external lighting units to the building (retrospective)	Refused
3/07/1083/FP	Installation of six external lights within the grounds (part retrospective)	Approved with conditions

### 3.0 **Key Policy Issues**

3.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007:

<b>Key Issue</b>	<b>NPPF</b>	<b>Local Plan policy</b>
The impact of the development on the historic and architectural character of the listed building and the appearance of the surrounding area.	Section 12	ENV1

### 4.0 **Consideration of Relevant Issues**

4.1 The flue is prominent to the rear of the thatched roof of the building and is of a silver/grey metal construction which is out of keeping with, and detrimental to, the special architectural and historic interest of the Grade II Listed Building. As such, the development is contrary to national planning policy contained in the NPPF which seeks to preserve and enhance the significance of heritage assets. Despite communication with the owner/occupier of the site, no convincing case has been put forward as to why the harm caused to the listed building in this case is justified by other material considerations and no alternative proposals have been put forward for the Council to consider.

4.2 The flue remains as a prominent and visually intrusive feature on the building and is detrimental to the appearance of the adjacent street scene, particularly when travelling northeast along the A1184 Harlow Road. This is contrary to policy ENV1 of the adopted Local Plan which seeks to encourage development 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.

- 4.3 Officers have assisted the owner/occupier with advice on how to amend the existing flue in an attempt to encourage planning and listed building applications. However, to date, these have not been forthcoming.

## **5.0 Recommendation**

- 5.1 For the above reasons it is recommended 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/or under section 172 of the Town and Country Planning Act 1990, and also to take any such further steps as may be required to secure the removal of the unauthorised flue.

Period for compliance: 4 Months

Reasons why it is expedient to issue an Enforcement Notice:

1. The unauthorised flue is harmful to the architectural and historic significance of this grade II listed building. There are no overriding public benefits apparent in this case which outweigh this harm and the development is thereby contrary to national policy in Section 12 of the NPPF and also to policy ENV1 of the adopted East Herts Local Plan 2007.