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E/10/0229/A – The unauthorised removal of various architectural/historic features of the Grade II listed building at North Leys Cottage, High Street, Much Hadham, Herts, SG10 6DB

Parish: MUCH HADHAM CP

Ward: MUCH HADHAM

RECOMMENDATION

- a) That the Director of Neighbourhood Services, in consultation with the Director of Internal 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 the replacement of the staircase, windows and doors and the restoration of the listed building in accordance with a detailed specification of works to be formulated by Officers, and agreed in consultation with the Chairman of the Committee.

Period for compliance: 4 Months

Reason why it is expedient to issue an enforcement notice:

The unauthorised removal of the architectural/historic features from this heritage asset is detrimental to the historic character and appearance of the Grade II Listed building. The works are therefore contrary to policy HE7 and policy HE9 of Planning Policy Statement 5.

- b) That Members endorse the decision of the Director of Neighbourhood Services to commence prosecution proceedings in respect of the unauthorised works to this Grade II listed building.

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1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. It is located on the northern edge of Much Hadham High Street and within the Much Hadham Conservation Area. The Cottage is Grade II listed and is located to the rear of a large property known as North Leys which is also Grade II listed and is within the same ownership. Unauthorised works to that listed building are also the subject of a report to this committee.

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- 1.2 On the 9th October 2009 planning permission and listed building consent were granted for a single storey side extension to the listed building, together with a first floor rear extension and internal alterations, under references 3/09/1296/LB and 3/09/1295/FP.
- 1.3 On the 29th June 2010, a site visit was made to the main house of North Leys with the Enforcement Officer, Conservation Officer and the owner's agent to investigate possible unauthorised works to the main dwelling. Whilst on site, a discussion took place with regard to the roof tiles for the cottage and the Conservation Officer and Enforcement Officer were able to briefly look inside the cottage to see how the works agreed under the 2009 permissions were progressing.
- 1.4 From that brief inspection, it appeared that a number of historic features within the building that should have been retained and/or repaired had in fact been removed.
- 1.5 On the 15th July 2010, a second visit was made to the site to carry out a full survey of the cottage in order to compare the works that had been carried out with those that were permitted by the earlier 2009 permissions. The outcome of the site visit showed that the main historic features to have been removed were the staircase to all floors; lathe and plaster ceilings to the first floor; 8 inch floor boards to the first floor, and all the windows and doors. Other unauthorised works had also been carried out such as screeding over the original flooring to the building.
- 1.6 It is understood that these unauthorised works were carried out by the previous contractor and agent who are no longer associated with the site and, therefore, it appears that the items removed from the cottage are no longer available to be reinstated into the building.
- 1.7 Photographs of the site will be made available at the meeting.

2.0 Planning History

- 2.1 The following planning history is of relevance in this matter:-

3/09/0415/FP	First floor rear extension, single storey side extension and new single garage.	Refused
3/09/0416/LB	First floor rear extension, single storey side extension, internal and external	Refused

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3/09/1295/FP	Single storey side extension, first floor rear extension and detached single garage/store	Approved with conditions
3/09/1296/LB	Single storey side extension, first floor rear extension and internal alterations	Approved with conditions

3.0 Policies

- 3.1 The relevant national policy guidance in this matter is contained within Planning Policy Statement 5: Planning for the Historic Environment.

4.0 Considerations

- 4.1 The site is within the Conservation Area of Much Hadham and is Grade II listed dating back to the mid to late 19th Century. It was originally a cottage with an adjacent barn.
- 4.2 The cottage does benefit from listed building consent and planning permission to extend and refurbish the interior and exterior of the property. However, following extensive discussions with the Conservation Officer and Planning Officer at that time, a number of features throughout the cottage were shown, in those permissions, to be retained as they formed part of the historic character of the cottage.
- 4.3 The removal of these identified key features has, in Officers opinion, removed much of the historic value of the cottage. It is noted that replacements are possible with regards to the staircase, windows and doors; however, these will be constructed out of modern materials and using modern techniques and cannot therefore restore the historic integrity of the building. It is considered therefore that an offence has been committed under section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Director of Neighbourhood Services has accordingly authorised prosecution proceedings to be commenced in this respect. This is a serious breach of listed building control which has resulted in an irrevocable loss of the historic character of this significant heritage asset and Officers do not consider that this loss is justified on the merits of the new development.
- 4.4 Policy HE9 of Planning Policy Statement 5 states that “*once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact*”. That guidance indicates that alteration or destruction of such an asset would require clear and convincing justification. None is apparent in this case and, having regard to this policy, Officers consider that prosecution proceedings are appropriate and necessary in

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this case. Members are asked therefore to endorse the decision of the Director to commence such proceedings.

- 4.5 In addition, Officers consider that a listed building enforcement notice should be served in order to seek some restoration of the historic character of this heritage asset. It is recommended that the Council's Conservation Officer formulates a detailed specification of the works considered necessary in this case and, with the agreement of the Chairman, this specification will form part of the requirements of the listed building enforcement notice itself. Members are asked therefore to agree this course of action.

5.0 Recommendation

- 5.1 It is therefore recommended that authorisation be given to issue and serve an enforcement notice requiring restorative works to be carried out to the building in accordance with a detailed specification to be agreed by the Chairman, in consultation with Officers.
- 5.2 It is also recommended that the decision to commence prosecution proceedings in this case be endorsed for the reasons set out in this report.