

5p E/09/0383/B – Unauthorised alteration to shop front on listed building at 18 Baldock Street, Ware, SG12 9DZ

Parish: WARE

Ward: WARE - CHRISTCHURCH

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/or 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised alterations to the shopfront and the reinstatement of the listed building features.
- b) That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to commence legal proceedings under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Period for compliance: 2 months

Reason why it is expedient to issue an enforcement notice:

The unauthorised alterations to the shopfront have caused substantial harm to the character of this Grade II listed building, contrary to policies HE9.1 and HE9.2(i) of Planning Policy Statement 5: Planning for the Historic Environment (2010), and saved policy BH14 of the East Herts Local Plan Second Review April 2007.

_____ (038309B.PD)

1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. The building is a Grade II listed commercial unit currently used as a restaurant situated at the northern end of Ware High Street in Baldock Street and within the Ware Conservation Area.
- 1.2 It was brought to the attention of the local planning authority in September 2009 that the owner of the property had carried out unauthorised works to the front of the premises by way of removing part of the listed frontage to include pilasters and replacing the original tiles with black granite tiles.

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1.3 The owner was contacted and advised that the alterations were unauthorised and that both planning permission and listed building consent were required for the alterations.

1.4 On the 6th November 2009, applications for retrospective planning permission and listed building consent were submitted for the alterations to the shopfront, replacing tiles with natural black granite tiles. After due consideration and consultation both applications were refused on the 1st June 2010 for the following reason;

The retention of the black granite tiles as part of the shopfront would cause substantial harm to the character of this Grade II listed building, contrary to policy BH14 of the East Herts Local Plan Second Review April 2007 and HE9.1 and HE9.2(i) of Planning Policy Statement 5: Planning for the Historic Environment (2010).

1.5 Whilst the removal of the pilasters was not referred to in the applications, it is also considered that their removal has damaged the character of the shopfront, a Grade II listed building.

1.6 Photographs will be available at the meeting.

2.0 Planning History

2.1 The recent relevant planning history is as follows: -

3/09/1785/FP	Alteration of shop front, replacing tiles with natural black granite tiles – retrospective	Refused
3/09/1786/LB	Alteration of shop front, replacing tiles with natural black granite tiles – retrospective	Refused

3.0 Policy

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

- BH14 – Shop Fronts in Conservation Areas
- Planning Policy Statement 5: Planning for the Historic Environment (2010).

4.0 Considerations

4.1 The alterations made to the shopfront have had a detrimental impact on the character of this listed building. The new glossy tiles are an inappropriate addition to the building, and now cover the stall riser at the front of the shop.

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They are considered to be uncharacteristic of the Victorian era from which the building dates. The building is a heritage asset as defined in PPS5, Planning for the Historic Environment (2010).

- 4.2 The pilasters have been lost from a stall riser, and the original appearance of these features could not be replicated without substantial refurbishment to the shopfront. The features reflected the vertical separation of the property above ground floor level, and their removal from the stall riser has damaged the character of the building.
- 4.3 The current development has caused substantial harm to the character of this listing building, which is a heritage asset as defined in PP5. Policy HE9.21(i) states that the development should be refused unless substantial public benefits are delivered that outweigh the harm or loss from the development.
- 4.4 Policy HE9.1 states that substantial harm to a heritage asset should be an exceptional circumstance. Although it appears that the tiling to the stall riser was in a poor condition prior to the replacement, less extreme measures could have been taken that would have resulted in a refurbishment more in keeping with the character of the building.
- 4.5 Policy BH14 Shopfronts in Conservation Area requires proposals for new shopfronts or alterations to existing ones to be permitted where the proposed design is sympathetic to the scale, proportions, character and materials of the structure, adjoining buildings and the street scene in general. As previously discussed above the alterations undertaken at the site without consent has had a detrimental impact on this Grade II listed building and the wider Conservation Area and as such the current alterations are contrary to this policy.
- 4.6 It should also be noted that both the applications were seeking retrospective planning permission and listing building consent. To alter a listed building without the proper consent is an offence as outlined in Section 9 of the Planning (listed Buildings and Conservation Areas) Act 1990.

5.0 Recommendation

- 5.1 For the above reasons it is recommended that authorisation be given to issue and serve a Planning Enforcement Notice and a Listed Building Enforcement Notice requiring the removal of the unauthorised alterations to the shopfront and to take legal proceedings for the offence of altering a listed building without consent.