

5d E/11/0196/B – Unauthorised removal of two traditional shop blinds with associated fittings and the erection of two advertising canopies to a Grade II listed building at 31 – 33 Bell Street, Sawbridgeworth, CM21 9AR

Parish: SAWBRIDGEWORTH

Ward: SAWBRIDGEWORTH

RECOMMENDATION:

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 two traditional shop blinds and the removal of the unauthorised advertising canopies.

Period for compliance: 3 months.

Reasons why it is expedient to issue an enforcement notice:

1. The unauthorised advertising canopies, by reason of their size, scale, appearance and design, are unduly dominant and unsympathetic in relation to the architectural character and setting of this Listed Building and cause substantial harm to it. Furthermore, they obscure important street scene. They are thereby contrary to national planning policy set out in section 12 of the National Planning Policy Framework.
2. The unauthorised advertising canopies are detrimental to the setting of adjacent Listed Buildings and They are thereby contrary to national planning policy set out in section 12 of the National Planning Policy Framework.
3. The removal of the two traditional shop blinds with their associated black iron arms, slides and housing boxes has caused significant harm to this designated heritage asset. It is therefore contrary to national planning policy set out in section 12 of the National Planning Policy Framework.

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1.0 Background:

- 1.1 The site is shown on the attached OS extract. It lies on the northern side of Bell Street, about 170 metres east of London Road.
- 1.2 In June 2011 the Enforcement Officer received a complaint regarding

E/11/0196/B

new signage on this Grade II listed building and the attachment of two quadrant awnings, or canopies, bearing the words "The Guardian". The shop had recently become a "Nisa Local" store.

- 1.3 The Enforcement Officer wrote to the owner requesting that he contact him to arrange a site visit. The Enforcement Officer visited the site on 12 July 2011 and noted that the quadrant awnings had been removed from the building but that significant self-adhesive plastic advertisement signage had been attached to the interior of the shop windows. It was further noted that the traditional shop blind and associated fittings had been removed from the building.
- 1.4 The Enforcement Officer again wrote to the owner requesting that he meet both him and the conservation officer to discuss the above matters. This meeting took place on 18 August 2011 and the owner undertook to submit proposals to the Conservation Officer with regard to replacement advertisements. He also stated that the shop blind was struck by a lorry and badly damaged. He then removed the blind from the building and disposed of the complete blind and fittings.
- 1.5 The Enforcement Officer again wrote to the owner in September and December 2011 as no such proposals had been received. He also informed the owner that Officers' were aware of a company that still manufactured traditional shop blinds if he was unable to source a suitable replacement.
- 1.6 Subsequently proposals to remove the window signage and replace it with an opaque film with cut out advertisement areas were agreed by the Conservation Officer and the owner then allowed time to finance and carry out the alteration work.
- 1.7 Following an e-mail from the owner, the Enforcement Officer again visited the site on 27th June 2012 and noted that the signage had been removed from the shop windows. The posters that have replaced them are not, in the view of Officers, subject to listed building control as they are affixed to the inside of the windows by putty-like pressure-sensitive adhesive.
- 1.8 The owner had attached a pastiche of a blind in the form of some pieces of wood above the fascia of 31 Bell Street with a fringe of striped material attached to it. Neither consultation with Officers nor any application for listed building consent was made and the Conservation Officer does not consider that the works are appropriate to the listed building and are, in fact, detrimental to it.

E/11/0196/B

- 1.9 The enforcement Officer also noted that two new advertising canopies had been attached to the fascia and side elevations of 33 Bell Street, where the earlier quadrant canopies had been attached. The canopies advertise both 'The Guardian' and the owner's shop, 'The Tuck Shop'. Again there was no consultation with Officers nor any application for listed building consent submitted by the owner despite the earlier letter (24 June 2011) in which the Enforcement Officer pointed out the need for such consent for the previous quadrant canopies.
- 1.10 The Enforcement Officer again wrote to the owner on 26 June 2012 expressing his disappointment at these unilateral actions and informing him of the Conservation Officer's view that the canopies were harmful to the building. The Enforcement Officer informed the owner that unless the canopies were removed within 14 days the matter would be reported to the Development Control Committee.
- 1.11 There was no reply to that letter and a further visit by the Enforcement Officer on 10 July 2012 showed that the advertising canopies were still in place, as was the 'pastiche' blind.
- 1.12 Members will recall that the local planning authority can require steps to be taken to put right all contraventions of the Planning (Listed Buildings and Conservation Areas) Act 1990 back to the date of listing. In this case the Authority's record photographs of these buildings, taken in 1989, clearly show that both shops (listed and now owned together) had traditional Victorian shop blinds.
- 1.13 Officers consider that in addition to the removal of the unauthorised canopies from the building, the like for like replacement of the traditional shop blinds with their associated black iron arms, slides and housing boxes is also important to the historic and architectural importance of the building.
- 1.14 Photographs of the site at different times will be available at the meeting.

2.0 Planning History:

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

3/06/1836/LB	Creation of 2 no. flats over 31 Bell Street and 1no. flat over 33 Bell Street	Approved.
3/06/1837/FP	First floor rear extension and	Refused.

E/11/0196/B

conversion from A1 (retail) to A5 (takeaway) use at ground floor of 31 Bell Street. Two storey rear infill extension and conversion to 3 no. flats

3/06/2359/FP	First floor rear extension, 2 storey rear infill extension and conversion to 3no flats at 31 + 33 Bell Street	Approved.
3/07/0585/FP	First floor extension to link 31 and 33 Bell Street	Approved.
3/07/0586/LB	First floor extension to link 31 and 33 Bell Street. Open up between shops at ground floor, remove WC and create partitioned storage area. Box in original stair and access to all flats to be via new stair.	Approved.
3/07/1361/LB	Alterations to existing roof to 33 Bell Street, including insertion of additional timbers, relocation of collars and insertion of small area of flat roof to accommodate smoke vent in concealed area at rear.	Approved.
3/07/2424/FP	Loft conversion to rear roof to create 1 No. 1-bedroom flat including dormer window and additional window	Refused.
3/07/2426/LB	Removal of chimney. Loft conversion to rear roof including lead flat roofed and clad dormer window and additional window to create 1 No. 1-bedroom flat	Refused.
3/08/0146/LB	Loft conversion to create 1no. flat and insertion of dormer window and 2no. roof lights	Approved.
3/08/0147/FP	Loft conversion to create a one bed roomed flat and insertion of dormer window and 2no. roof lights	Approved.

E/11/0196/B

3.0 Policy:

The relevant policies in this matter are contained within Section 12 of The National Planning Policy Framework.

4.0 Considerations:

- 4.1 The main considerations in this matter relate to the adverse impact of the unauthorised advertising canopies on both the listed building itself and on the setting of adjacent listed buildings when viewed in the altered street scene.
- 4.2 The unauthorised canopies are of a distinctly modern design which does not reflect, in any way, the historic or architectural character and appearance of the listed building or its surroundings. In contrast, they are visually prominent within the street scene and appear dominant and out of keeping with the simple traditional form and design of the building and other surrounding buildings. As such, they are detrimental to the character of the Conservation Area and the setting of the other nearby listed buildings.
- 4.3 Furthermore, the removal of the traditional Victorian shop blinds with their associated black iron arms, slides and housing boxes is considered to result in significant harmful to the architectural and historic character of this designated heritage asset and Officers are satisfied that it is appropriate and necessary to remedy this harm by replacing these features of the listed building.

5.0 Recommendation:

- 5.1 It is therefore recommended that authorisation be given to issue and serve a Listed Building Enforcement Notice requiring the removal of the unauthorised advertising canopies and the reinstatement of the traditional shop blinds.