

6m E/11/0103/A – Unauthorised replacement of staircase and first floor wall at 97 High Street, Buntingford, Herts, SG9 9AE

Parish: BUNTINGFORD

Ward: BUNTINGFORD

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

- a) remove the unauthorised staircase and wall, or
- b) secure the remedial works previously granted consent under ref:3/11/1679/LB

Period for compliance: 3 months

Reason why it is expedient to issue an enforcement notice:

1. The unauthorised works are considered to be out of keeping with and detrimental to the character of the building and have resulted in harm to the significance of a listed heritage asset. The development is thereby contrary to Section 12 of the National Planning Policy Framework.

_____ (010311A.CB)

1.0 Background:

- 1.1 The site is shown on the Ordnance Survey extract. It is located within the High Street of Buntingford and is currently a single residential dwellinghouse.
- 1.2 In March 2011, concerns were expressed to the enforcement team regarding unauthorised works which had been carried out at the property without listed building consent.
- 1.3 The owner was contacted and a meeting was held at the site where it was noted that changes had been made to the windows, doors, weatherboarding, internal staircase and internal first floor partition wall.
- 1.4 It was explained to the owner that whilst the works to the windows, doors and weatherboarding were acceptable and in keeping with the

character of the listed building, the replacement staircase and first floor partition wall were harmful to the building and, as well as requiring listed building consent, were unlikely to be considered favourably.

- 1.5 After pre-application advice was provided, an application was submitted seeking listed building consent to enclose the replacement staircase and replace the replacement glazed partition with a traditional lathe and plaster wall which, as a compromise, would reverse the harm to the building as far as possible.
- 1.6 The application was granted on 19th December 2011 subject to the conditions that within three months of consent, details of the method for carrying out the works should be submitted, and within three months of the above details being approved, the works should be carried out.
- 1.7 The details were submitted in March 2012, and Officers were of the understanding that the proposed works had been carried out. However, unbeknown to Officers the property changed ownership in the summer of 2012 and the works were not carried out.
- 1.8 A site visit was arranged to inspect the site on 14th March 2013, upon which it was apparent that none of the agreed remedial works had been implemented, and the situation was explained to the current owner.

2.0 Planning History:

2.1 The relevant planning history is as follows:

3/11/1679/LB	Regularisation of internal alterations, replacement of glazed partition wall at first floor and 'boxing in' of new staircase spindles to ceiling.	Approved
--------------	---	----------

3.0 Policy:

3.1 The relevant policies in this matter are found within section 12 of the National Planning Policy Framework (NPPF).

4.0 Considerations:

4.1 The dwellinghouse is a Grade II listed building and is regarded as a designated heritage asset. In the absence of local policies on listed buildings, the NPPF makes it clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In

addition, as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

- 4.2 The Conservation Officer has previously noted that the replacement staircase compromises the ground floor plan and has altered the character of the staircase as a functional element of the property, whilst the first floor modern glazed partition is uncharacteristic of an 18th Century urban cottage. This has caused significant harm to the designated heritage asset, and whilst the alterations to the listed building have been carried out using high quality materials, there is no justifiable reason as to why the out of keeping and detrimental alterations are required.
- 4.3 Whilst the only true way of reversing the harm caused to the building would be to replace the staircase with a more suitable replacement, Officers felt that the boxing in of the staircase would be an appropriate compromise and would reserve a significant degree of the harm already caused. The replacement of the glass partition with a lathe and lime plaster partition would also restore the historical integrity of the first floor.
- 4.4 It is noted that the current owners did not physically carry out the works. However, they are legally responsible for the current condition of the building, and the listed building consent with conditions would have been available in searches at the time of conveyance. In addition, the quality of the works would have appeared very new, and suitable enquiries into their status could have been carried out by appropriate professionals.
- 4.5 Due to the change of ownership, a listed building enforcement notice is considered the most appropriate form of action, as this would allow the current owners to exercise their free right of appeal if they were so minded.

5.0 Recommendation:

- 5.1 For the above reasons it is recommended that authorisation be given to issue and serve a Listed Building Enforcement Notice requiring the carrying out of the previously approved remedial works.