

5n E/10/0369/B - Unauthorised shopfront and unauthorised advertisements on a Grade II listed building at 8 The Wash, Hertford, Herts, SG14 1PX.

Parish: HERTFORD CP

Ward: HERTFORD CASTLE

RECOMMENDATION

- a) That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to commence legal proceedings in respect of:-
- i) the alteration of a listed building in a manner adversely affecting its character as a building of special architectural or historic interest under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by the removal of the original shopfront.
 - ii) the display of advertisements without consent under section 224 of the Town and Country Planning Act 1990.
- b) That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and/or Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such further steps as may be required to secure the removal of the unauthorised shopfront and unauthorised banner fascia sign.

Period for compliance: 2 months.

Reasons why it is expedient to take legal action and/or issue an enforcement notice:

1. The unauthorised shopfront and banner advertisement on the front elevation are detrimental to the historic and architectural character of the Listed Building and fail to sustain and enhance the significance of this designated heritage asset. The harm caused to the listed building is not outweighed by the criteria detailed in policy HE9 of PPS5 and the development is therefore contrary to policies HE7 and HE9 of PPS5.
2. The shopfront by reason of its materials and detailed appearance is of a poor standard of design, unsympathetic to the context of the site and fails to take the opportunities available for improving the character of the area. It is thereby contrary to saved policies ENV1 and BH14 of the East Herts Local Plan Second Review April 2007 and national planning guidance in PPS1 'Delivering Sustainable Development' para 34.

3. The unauthorised signage by reason of its size, siting, materials of construction is detrimental to both the character of the Grade II listed building and the visual amenities and character of the area. It is thereby contrary to saved policy BH15 of the East Herts Local Plan Second Review April 2007.

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1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. It is situated to the west of Hertford town's main shopping area and comprises a 3 storey Grade II listed building with a commercial use on the ground floor. The building is also within Hertford's Conservation Area
- 1.2 In October 2010 a concern was raised with the enforcement team stating that the owners of the property had removed the original wooden shopfront and had replaced it with a new metal shopfront.
- 1.3 An enforcement officer visited the site and noted that the new shopfront was of a different design and material to the original and that no planning permission and/or listed building consent had been granted for the works. In addition, the Officer also noted a large banner advertisement erected above the shopfront. No advertisement consent or listed building consent had been granted for this. The owners were subsequently advised that such consent and permission would be required for the new shopfront and signage. However, they were also advised that it was Officers' opinion that the current development would not be considered favourably.
- 1.4 On the 5 November 2010, a letter and drawings were submitted to the Council seeking pre-application advice on proposed amendments to the shopfront and advertisement, prior to an application being submitted.
- 1.5 The Planning Officer discussed the proposals with the Conservation Officer and a letter was subsequently sent to the owner's agent on the 2 December 2010 stating that the proposals for both the new shopfront and advertisement were considered to be unacceptable.
- 1.6 At the time of writing this report no application has been submitted seeking planning permission and/or listed building consent for the unauthorised works or indeed for any amended proposals.
- 1.7 Photographs of the site will be available at the meeting.

2.0 Planning History

2.1 There is no recent planning history on this building

3.0 Policy

3.1 The relevant policy guidance in this matter is contained within policies ENV1, BH14 and BH15 of the adopted Local Plan and within policies HE7 and HE9 of national policy PPS5 – Planning for the Historic Environment.

4.0 Considerations

4.1 In this matter the main issue to be considered is the impact of the unauthorised works and advertisement on the special character and appearance of the listed building and the surrounding Conservation Area.

4.2 Officers' consider that the new metal shopfront and fascia signage are of an inappropriate design that is unsympathetic to the proportions, character and materials of the building itself; the adjoining buildings, and the surrounding area as a whole. The new shopfront is of a modern design with large windows flush to the building and with a sliding door. This replaced a timber shopfront with a central recessed doorway of traditional design that reflected the proportions and architectural character of the listed building. The loss of the original shopfront and its replacement in the current form has caused significant harm to the listed building and officers consider that legal proceedings should be taken in respect of the offence committed under section 9 of the Act. Furthermore, enforcement action is recommended in order to ensure the removal of the unauthorised shopfront.

4.3 Similarly, the fascia advertisement is considered to be inappropriate in terms of its size, form and materials. As such it is detrimental to the historic character and appearance of the listed building and to the character of the surrounding Conservation Area. Legal proceedings and/or listed building enforcement action are therefore recommended in order to secure the removal of the unauthorised advertisement.

5.0 Recommendations

5.1 It is therefore recommended that authorisation be given to issue and serve a Listed Building Enforcement Notice and/or a Planning Enforcement Notice and to commence legal proceedings with regard to the unauthorised advertisement and the unauthorised shopfront.