

5o E/10/0330/A – Unauthorised installation of air conditioning unit at 92 South Street, Bishops Stortford, Herts, CM23 3BG

Parish: BISHOPS STORTFORD

Ward: BISHOPS STORTFORD - CENTRAL

RECOMMENDATION

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 any such further steps as may be required to secure the removal of the unauthorised air conditioning unit.

Period for compliance: 2 months

Reason why it is expedient to issue an enforcement notice:

The air conditioning unit by reason of its siting and design is out of keeping with and detrimental to the character and appearance of the existing property and surrounding street scene contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.

_____ (033010A.PD)

1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. It is located on the west side of South Street just to the south of its junction with Newton Road and is adjacent to the southern boundary of the designated Bishops Stortford Conservation area.
- 1.2 It was brought to the attention of the Enforcement Team in September 2010 that an air conditioning unit had been installed on the front elevation of the building without planning permission.
- 1.3 On the 30th September 2010, an application for planning permission was submitted under reference 3/10/1732FP for the retention of the air conditioning unit and proposed protective cage. After due consideration the application was refused permission on the 16th November 2010 for the following reason;

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1. The air conditioning unit and proposed means of enclosure, by reason of its siting, design and materials of construction, would be out of keeping with, and detrimental to the character and appearance of the existing property and surrounding street scene. The proposal would thereby be contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007

2.0 Planning History

- 2.1 The recent relevant planning history is as follows: -

3/08/2038/FP	Security Shutters on front elevation - retrospective	Refused
E/08/0587/A	Unauthorised erection of security shutters	Notice served - complied
3/10/1732/FP	Installation of air conditioning unit and protective cage – part retrospective	Refused

3.0 Policy

- 3.1 The relevant policy of the East Herts Local Plan Second Review April 2007 is:-

- ENV1 – Design and Environmental Quality

4.0 Considerations.

- 4.1 The determining issues in this case relate to the impact of the development on the appearance of the building and the surrounding area.
- 4.2 The property is one of four ground floor shop units on South Street and is occupied by a general convenience store known as Bishops Food Centre. The first and second floors above this group of shops are occupied by residential apartments.
- 4.3 The unauthorised air conditioning unit is 1.5 metres in height and width and projects 0.6 metres out from the front of the building. It is clearly visible on the front elevation and it is considered that its utilitarian design and appearance, both with or without the proposed protective cage, coupled

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with the siting of the unit (which partially obstructs the front display window), is incongruous on the front of the building, out of keeping with its character and appearance and that of the locality as a whole.

5.0 Recommendation

- 5.1 For the above reasons it is recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the removal of the unauthorised air conditioning unit.