

**5k E/08/0300/A – The unauthorised construction of a rear dormer window affecting a Grade II listed building without listed building consent at White Horse Cottage, Wareside, Ware, SG12 7QX**

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**Parish: WARESIDE**

**Ward: HUNSDON**

**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/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 rear dormer and either:-
- the reinstatement of the roof (in accordance with a detailed schedule of works to be set out in the enforcement notice in consultation with the Conservation officer) or,
- the construction of the rear dormer in accordance with the planning permission and listed building consent granted under references 3/06/2356/FP and 3/06/2357/LB.

Period for compliance: 6 months

Reason why it is expedient to issue an enforcement notice:

The unauthorised rear dormer window, by reason of its scale, form, design and detailing, is detrimental to the historic and architectural character and appearance of this Grade II listed building contrary to policies HE7 and HE9 of Planning Policy Statement 5: Planning for the Historic Environment.

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(030008A.PD)

**1.0 Background**

- 1.1 The site is shown on the attached Ordnance Survey extract. It is located on the southern edge of Wareside, within the Conservation Area and is a Grade II listed property.
- 1.2 Planning permission and Listed Building consent were granted in January 2007 for the erection of front and rear dormer windows to the property. The approved development was subsequently commenced but, in 2008, a concern was raised with the Council that the rear dormer at the address had not been built in accordance with the approved

## E/08/0300/A

plans. Following a site visit, it was noted that the rear dormer window under construction did not comply with the approved plans. Furthermore, there was also a discrepancy in relation to the location of the front dormer windows.

- 1.3 The approved works to the rear of the property had been shown to consist of two small, pitched roof, dormers connected together via a lower lead-rolled flat roofed link. However, by contrast, the works under construction on site involved one large flat roofed box-type dormer window, incorporating french doors that lead onto a small area on the outside, upon which the owner had placed two chairs.
- 1.4 In respect of the front dormer windows, whilst these were generally of the approved size and design, their location on the roof slope differed to that shown on the approved plans.
- 1.5 There has been considerable correspondence with the owners of the property since then in which Officers raised concerns in respect of the adverse impact of the rear dormer on the character and appearance of the Grade II listed building. Officers have advised the owners of the options available to them, such as removing the unauthorised works; completing the approved development; or applying for retrospective permission (albeit that Officers advised this latter course of action was unlikely to be successful on planning grounds).
- 1.6 However, no retrospective applications have been submitted and, despite several reminders, no action has been taken to remedy the situation.
- 1.7 Photographs of the site will be available at the meeting.

## **2.0 Planning History**

2.1 The recent planning history is as follows:

3/06/2356/FP	Front and rear dormer windows and replacement roof	Approved with conditions
3/06/2357/LB	Replacement of roof coverings in hand made clay tiles incorporating provision of 2 dormers to front and rear. Replacement of aluminium patio doors and side window with traditional timber French	Approved with conditions

	doors and multi-pane window.	
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**3.0 Policy**

3.1 The relevant policies in this matter are set out in HE7 and HE9 of Planning Policy Statement 5: Planning for the Historic Environment

**4.0 Considerations**

4.1 The development that has been carried out on site does not accord with either the planning permission or the listed building consent granted under references 3/06/2356/FP and 3/06/2357/LB.

4.2 Officers do, however, consider that the front dormer windows are sufficiently close to the details shown on the approved plans to conclude that the permission and consent have been commenced or 'implemented'. This means that the owner could, in Officers view, continue to implement the approved development without the need to re-apply for permission.

4.3 However, the development that has been carried out to the rear of the property in the form of the large box dormer is not acceptable. It represents a substantial deviation from the approved plans and has a significant and detrimental impact on the historic and architectural character of the listed building.

4.4 As correspondence with the owner has failed to rectify the situation Officers therefore recommend that enforcement action be taken to secure the removal of the unauthorised rear dormer window and either the reinstatement of the original roof, or the completion of the development approved under references 3/06/2356/FP and 3/06/2357/LB.

**5.0 Recommendation**

5.1 It is therefore recommended that authorisation be given to issue and serve a listed building and/or planning enforcement notice as set out at the head of this report.