

5q E/10/0303/B - Unauthorised works for the removal of Grade II listed wrought iron gates, standards and simple iron side railings and their replacement with powder coated steel gates, posts and railings at Frogmore Farm, Frogmore Hill, Aston, SG14 3RR

Parish: ASTON

Ward: DATCHWORTH AND ASTON

RECOMMENDATION

That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take listed building 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 removal of the unauthorised boundary treatment and the restoration of the listed building to its state and form at the date of its listing.

Period for compliance: 6 months.

Reasons why it is expedient to prosecute and/or issue an enforcement notice and/or issue a repairs notice:

1. The unauthorised gates and railings are out of keeping with, and detrimental to, the historic and architectural character of the listed building and therefore fail to sustain and enhance the significance of this designated heritage asset, contrary to policies HE7 and HE9 of PPS5 - Planning for the Historic Environment.

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1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. It is situated on the east side of Frogmore Hill about 600 metres north of the junction with the A606. The entrance gates to the farm are themselves a Grade II listed building – listed separately from the farmhouse. In the list description they are described as “simple side railings....Wrought iron gates and standards, iron railings, semi circular on plan, running out to 2 limestone piers with ball finials. A pair of ornamental iron gates hinged to openwork wrought iron standards with ornamental finials”
- 1.2 In August 2010 a concern was expressed to the Council that the gates, standards and railings that form part of the building had been removed and replaced with modern powder coated steel gates, posts and railings of a different design.

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- 1.3 An enforcement officer visited the site, which was locked and unoccupied. He noted that the ornamental standards had been replaced with plain powder coated steel square section posts; the gates replaced with higher powder coated mild steel gates which incorporated the name of the property and some (rusting) grape motifs and the wrought iron side railings had been replaced with higher (again rusting) powder coated mild steel railings.
- 1.4 The enforcement officer wrote to the owner in both September and October 2010 asking that the owner contact him to arrange a site visit. The owner subsequently met the enforcement officer on site on 20th October 2010 and stated that the unauthorised works to the listed building took place before he purchased the property in 2003.
- 1.5 The enforcement officer discussed the unauthorised works with the Council's Conservation Officer, who considers that the existing unauthorised gates and railings are inappropriate in terms of their materials, design and size and are, in her opinion, harmful to this designated heritage asset.
- 1.6 Since the first listed building legislation in 1957, it has always been the responsibility of the present owner of a listed building to rectify any unauthorised works which adversely affect its character as a building of special architectural or historic interest, even those that were carried out by a previous owner.
- 1.7 The enforcement officer wrote to the owner on 21st October 2010 informing him of the above facts. Whilst on site, the owner had stated that gates of the height of the original ones would not provide adequate security for his particular needs. Accordingly the enforcement officer suggested in his letter that the owner discuss his proposals for the height of any replacement gates, standards and railings with the Conservation Officer.
- 1.8 The owner replied to the enforcement officer in February 2011, directing him to a planning agent. The planning agent, in turn, stated that the owner did not consider it reasonable to rectify works carried out by others. A further letter was sent to the agent on 27th April 2011 informing him that the matter would be referred to Committee unless a response was received within 14 days. There has been no reply to that letter nor has the owner contacted the Conservation Officer.
- 1.9 Photographs of the site will be available at the meeting.

2.0 Planning History

- 2.1 There is no recent planning history for the site.

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3.0 Policy

3.1 The relevant policies in this matter are:-

HE7 and HE9 of 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 removal of part of the designated heritage asset (the railings and gates) and their replacement with unauthorised railings and gates. The two limestone piers with ball finials, also mentioned in the list description, have not been removed and remain in place with the new railings attached.

4.2 Officers' consider that the unauthorised replacement gates, standards and railings cause significant harm to the listed building, of which they comprise a part, by virtue of their form, design, materials and architectural detailing. They also consider that it is essential to the preservation of this designated heritage asset that replacement elements, to match those unlawfully removed, be provided.

4.3 As officers' have no knowledge of who executed, or who caused to be executed, the unauthorised works to the listed building it is their view that it is not possible to mount a prosecution at this time.

5.0 Recommendations

5.1 It is therefore recommended that authorisation be given to issue and serve a Listed Building Enforcement Notice.