

AGENDA ITEM NO.17

PLANNING COMMITTEE

Date **30 MAY 2012**

Title **44 NEW ROAD, CHATTERIS – GRADE II**

1. PURPOSE/SUMMARY

The purpose of this report is to:-

- (a) Seek Planning Committee approval to issue a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of unauthorized changes to the above property.
- (b) Seek Planning Committee approval to undertake the works in default (and receive costs associated with doing so) should the Listed Building Enforcement Notice not be complied with.

2. KEY ISSUES

2.1 2 uPVC double-glazed windows have been inserted in a Grade II listed building (photograph appended).

3. RECOMMENDATIONS

- 3.1 Members are respectfully requested to authorise the commencement of prosecution proceedings under Section 43 of the Planning (Listed Buildings and Conservation Areas) Act 1990 should any formal Notice proceedings, authorised and issued, not be complied with.
- 3.2 Members are also respectfully requested to authorise, under Section 42 of the Planning (Listed Buildings and Conservation Areas) Act 1990, default works to be carried out should any Notice issued or prosecution undertaken not result in a remedy of the current breach of control.

Wards Affected	Birch, Chatteris
Forward Plan Reference No.(if applicable)	-
Portfolio Holder(s)	Councillor Mrs Jan French
Report Originator	Martyn Kendall (Conservation Officer).
Contact Officer(s)	Alan Pain (Corporate Director – Economic and Community); Graham Nourse (Chief Planning Officer - Delivery); Seamus Lalor (Area Development Manager).
Background Paper(s)	Attached report; photographs.

1. BACKGROUND

- 1.1 The property is situated at No.44, New Road, Chatteris. The property was Listed Grade II on 22 March 1983. The property forms one house in a row of six terraced cottages. The List description remarks: *“Mid 19thC row of cottages. Two storeys...Three ridge stacks... 6 windows still retain their original hung sashes with glazing bars. Five house doors, side entry to end cottage...”* [abridged]
- 1.2 This issue came to light following Planning Committee approval to serve a Listed Building Enforcement Notice against the owner of the neighbouring property at No.42, New Road, Chatteris. In his appeal statement, the owner complained of other uPVC windows in Listed buildings in Chatteris, specifically highlighting No's. 44 and 46, New Road as having uPVC windows in the rear elevations of their properties.
- 1.3 The Conservation Officer has waited until the various appeals to the Planning Inspectorate and subsequently to the High Court (relating to No.42) were heard and rejected before progressing the enforcement further. The original Planning Inspectorate's refusal gave the owner of No.42 until 14/05/12 to replace the windows.
- 1.4 In order to be consistent in his approach to these issues, the Conservation Officer has written to the owner of No.44 New Road, requesting that the windows be replaced to the same deadline, ie 14/05/12.
- 1.5 There are currently no planning applications under consideration in respect of this site and no history of previous formal Enforcement action.

2. CURRENT SITUATION

- 2.1 The owner of No.44 has agreed by letter to replace the windows, but this has not yet been done.

3. CONCLUSION

- 3.1 In order to reach a speedy conclusion to this issue, permission is sought from Planning Committee to issue a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990, giving a fixed period of time for the windows to be replaced, recommended to be three months.
- 3.2 A photograph of the unauthorised windows is attached for members' assistance.

The Owner/Occupier
44, New Road
Chatteris
CAMBS;
PE16 6BT

30/03/11

Direct no: 01354 622321
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PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

**RE: UPVC WINDOWS AT:-
44, NEW ROAD, CHATTERIS
Grade II Listed Building No.7/63.**

Dear Sir/Madam

It has been brought to my attention that uPVC windows have been inserted in the rear elevation of the above Grade II Listed property, without authorization and contrary to the above Act. I write to ask you to clarify your position in this regard.

Your options are as follows:-

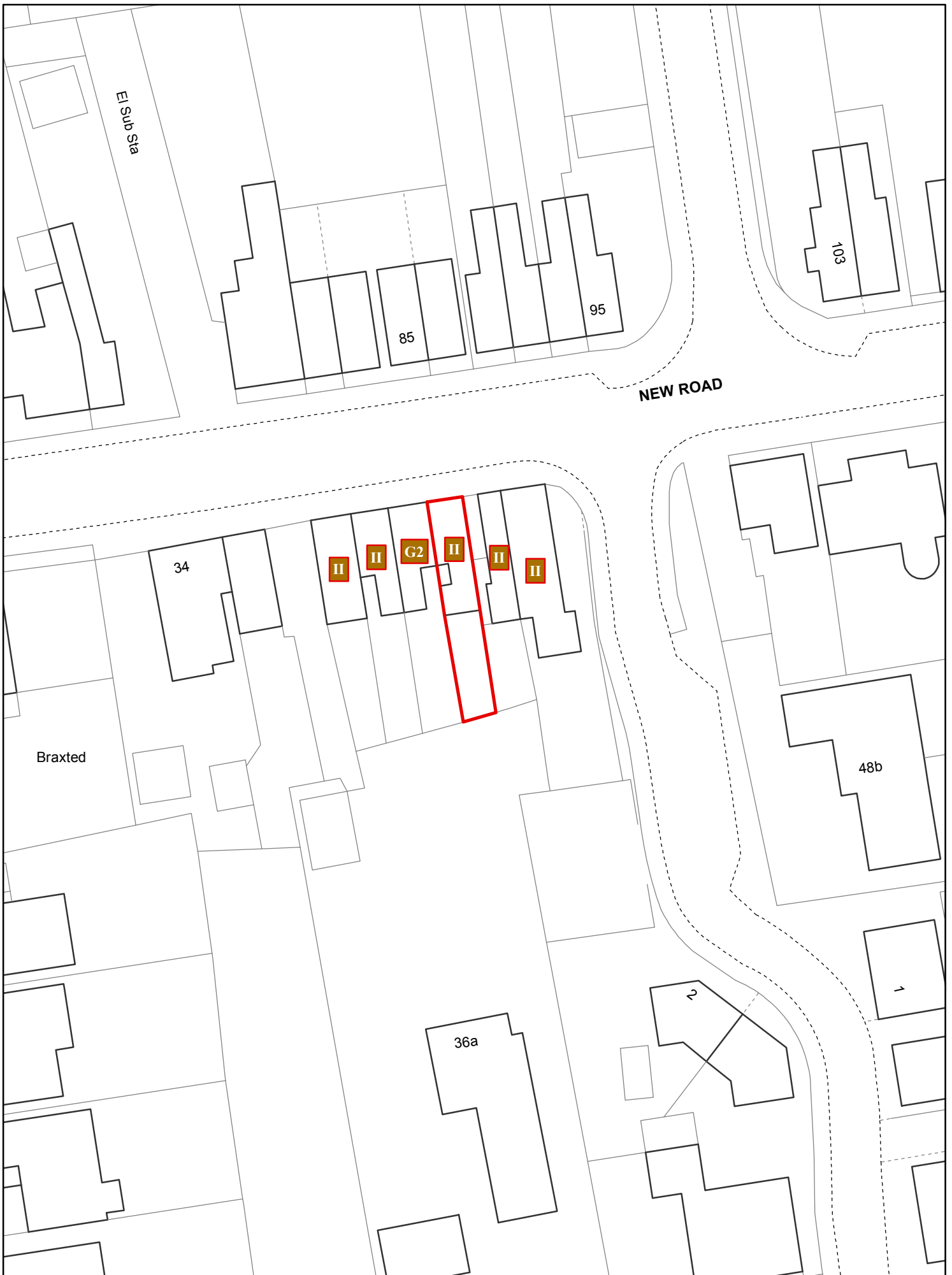
- 1) Take no action to rectify the above breach of Listed building legislation. This option is likely to result in a Listed Building Enforcement Notice being served against you. An Enforcement Notice will require the replacement of the unauthorized windows within a set period of time (this can be negotiable); if the windows are not replaced to the satisfaction of the Conservation Officer within this period, a Notice will then be served in a Magistrate's court, which may result in a prosecution, fine and still a requirement to replace the unauthorized windows. You may appeal to the Planning Inspectorate against a refusal to allow the retention of your uPVC windows if you wish;
- 2) A retrospective application for Listed building consent to keep the uPVC windows. As uPVC windows in Listed buildings are not deemed acceptable in any context, this application is unlikely to be granted consent. However, you have the option of applying to the Planning Inspectorate to appeal against any refusal. Again, this is also unlikely to be successful, but you have the right to apply and then to appeal against any subsequent refusal if you choose;
- 3) Agree a replacement regime, reintroducing the original/previous form of windows, which would have been timber and Mid Victorian. Naturally, I hope we can agree on this option, which would be less adversarial on all parties.

Please let me know within 21 days, which option you wish to proceed with. I enclose a list of local joiners which I trust you will find useful.

Yours Sincerely

Martyn Kendall
CONSERVATION OFFICER





Created on: 21/05/2012
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44 New Road, Chatteris

Scale = 1:500

