

AGENDA ITEM NO.20	
PLANNING COMMITTEE	
Date	22 AUGUST 2012
Title	LAND AT 62A WEST END, MARCH

1. PURPOSE/SUMMARY

Authorisation to serve a Conservation Area Enforcement Notice.

2. KEY ISSUES

Without permission, the demolition and removal of a wall (above 1 metre in height) from a conservation area.

3. RECOMMENDATION(S)

It is recommended that Members resolve to authorise Enforcement Notice proceedings under Section 38 Listed Buildings and Conservation Areas Act 1990 in order to secure the reinstatement of the development in question.

In addition, Members are recommended to authorise prosecution proceedings under Section 38 Listed Buildings and Conservation Areas Act 1990 should any formal Notice proceedings, authorised and issued, not be complied with

Members are also respectfully requested to authorise, under Section 38 Listed Buildings and Conservation Areas Act 1990, the commencement of default works should compliance not be achieved by the measures outlined above.

Wards Affected	March West Ward
Forward Plan Reference No. (if applicable)	N/A
Portfolio Holder(s)	Cllr. Mrs. Jan French
Report Originator	Mitchell Kitts - Planning Compliance Officer.
Contact Officer(s)	Graham Nourse - Head of Development Services
Background Paper(s)	ENF/192/11/CONSRV

1. BACKGROUND

- 1.1 The site is contained within a garden located opposite the principal elevation of 62a West End, adjacent to the highway.
- 1.2 The site falls within the March Conservation Area and is immediately adjacent to a Grade II Listed Building, No 62 West End, March. Characteristically West End displays many cottage-style dwellings fronting the north side of the narrow roadway, which separates properties from gardens sloping down to the River Nene.
- 1.3 In March 2009 full planning permission was granted for the erection of a 2-storey side extension and 2 metre (max) high wall with railings to existing dwelling (F/YR09/0096/F).
- 1.4 In August 2011 a section of boundary wall, which separates the garden area at the front of the host property from the highway, was completely removed to accommodate the storage of materials being used in the construction of the approved development.
- 1.5 The site is located within an area of special control and the wall in question abuts the highway. The original wall maintained an overall height of approximately 1.30 metres and was approximately 10 metres in length. The removal of a wall in these circumstances requires the permission of the Council and, in this instance, formal permission for removal was neither sought nor granted.
- 1.6 Following a site visit from a Council Compliance Officer, a breach of planning control was identified. It was agreed with the owner of the land that the wall would be fully reinstated once the approved extension was constructed. However, the development is complete and the wall in question has not been reinstated.

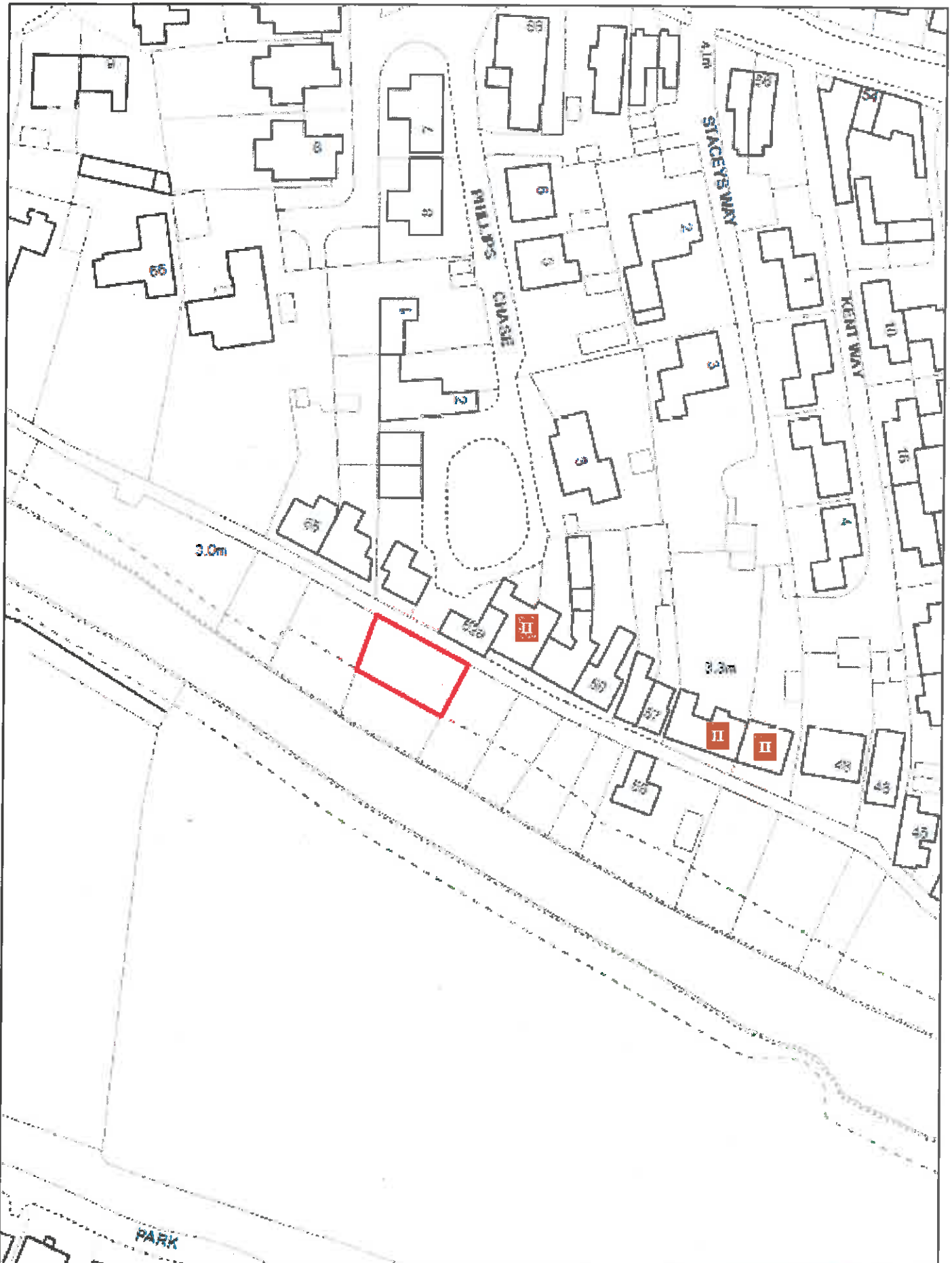
2. CURRENT SITUATION

- 2.1 The wall was specifically recognised in the March Conservation Area Appraisal (July 2008) as being of particular note; forming a distinctive boundary treatment within the Conservation Area and being characteristic of the time-period when it was constructed.
- 2.2 Saved Policy E12 of the Fenland District Plan (1993) normally requires all development within the conservation area to preserve or enhance its special architectural or historical interest. To this end, development should seek to retain buildings which are important to the character of the area.
- 2.3 Saved Policy E14 of the Fenland District Plan (1993) states that: 'The District Council will seek to protect important features within conservation areas which form an essential part of their character.'
- 2.4 The original boundary-wall represents an attractive, historical feature worthy of preservation and its removal in these circumstances is not compliant with the saved policies mentioned above. Furthermore, an additional brick-wall and area of hard-standing has now been developed within the garden-area, adjacent to the highway. This new development would have been shielded by the original wall. The new wall runs parallel to the old and is set back from the original boundary line by approximately five (5) Metres. The new wall has been constructed using modern methods and new materials, resulting in a development at odds with the established setting in terms of styling, colour, texture, finish and overall look.

- 2.5 This new addition to the historic environment fails to complement or integrate with the established vernacular, characteristic of the Conservation Area. The development has introduced a stark, visually intrusive element and, since the original wall is no longer in place, the street-scene has altered significantly due to the now open view afforded into the garden area. Both the lack of screening and the inclusion of this discordant, modern feature into the historic environment have exacerbated the visual harm to the amenity of the Conservation Area.
- 2.6 Whilst the owner of the Land, who is responsible for the removal of the wall, has shown a willingness to comply; it is felt that the wall is of such historical importance that it should be afforded the added protection of a formal notice in an effort to prevent a repeat of this situation. Furthermore, the notice will stipulate exactly how the wall should be reinstated and the materials to be used rather than leaving the overall look of the development to chance.

3. CONCLUSION

- 3.1 Having given consideration to the circumstances of this matter officers have concluded that it is reasonable, necessary and expedient to take formal Enforcement Notice proceedings under 38 Listed Buildings and Conservation Areas Act 1990 in order to remedy the current breach of planning control and protect the development in question in future.
- 3.2 Officers also respectfully request that on failure to comply with any Enforcement Notice they be authorised to commence prosecution proceedings under the aforementioned act.
- 3.3 Officers also respectfully request that on failure to comply with any Enforcement Notice, and/or successful prosecution, Members authorise that default works be carried out in order to remedy the identified breach of planning control.
- 3.4 Having given consideration to the circumstances of this matter, officers have concluded that it is expedient to commence formal enforcement proceedings, followed by prosecution proceedings and/or default action should this prove necessary for the reasons mentioned above.



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Land at 62A West End March

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Appendix 1

