

E/0349/49/07

UNAUTHORISED UPVc WINDOWS INSTALLED AT WOODVALE, CROFORD HILL, WIVELISCOMBE.

OCCUPIER:

OWNER: MRS LAWSON-PIGOTT (Dec'd)
WOODVALE, CROFORD HILL, WIVELISCOMBE
TAUNTON
TA4 2TW

PURPOSE OF REPORT

To request authorisation to serve a Listed Building Enforcement Notice in respect of unauthorised UPVc windows at Woodvale, Croford Hill, Wiveliscombe. The Planning Committee may recall this case being brought to them in March 2008 when the decision taken at that time was to defer serving the Notice due to the owner/occupier's personal circumstances at that time. The case is now before you as the then owner has died and the property is under offer of sale.

RECOMMENDATION

The Solicitor to the Council be authorised to serve a Listed Building Enforcement Notice and take Prosecution Action subject to sufficient evidence being obtained that the Notice is not complied with.

The Enforcement Notice shall require:-

- The removal of the unauthorised UPVc windows and their replacement with single glazed timber windows with side hung casements and top hung fanlights over.
- Time for compliance:- 6 months from the date of completion of the sale of the property.

SITE DESCRIPTION

The site is off Croford Hill, Croford which is on the outskirts of Wiveliscombe. Woodvale is a two storey early 19th Century dwelling. It is rendered with raised quoins under a tiled roof.

BACKGROUND

The windows were first brought to the Council's attention in November 2007. A site visit was made and the owner decided to submit an application for the retention of the UPVc windows and this was received in December 2007. The application was subsequently refused under delegated powers on 29th February 2008. A report was taken to The Planning Committee on 26 March 2008 with a recommendation to serve a Listed Building Enforcement Notice but due to the then owner/occupier's

personal circumstances, members considered that it was not appropriate to serve the Notice at that time. The Planning Committee approved the recommendation and resolved that the situation be reviewed in five years time or the Notice served when the current occupier vacated the property, whichever was the sooner. (The case, along with other Enforcement matters, have since been reviewed on a monthly basis)

DESCRIPTION OF BREACH OF PLANNING CONTROL

The installation of unauthorised UPVc windows in a Grade II Listed Building known as Woodvale, Croford Hill, Wiveliscombe.

RELEVANT PLANNING HISTORY

This site does not have any other applications other than the one submitted in January 2008 for the retention of the UPVc windows which was subsequently refused in February 2008.

RELEVANT PLANNING POLICES

National Policy, Guidance or Legislation

NPPF - Section 12

Taunton Deane Core Strategy 2011-2028

Policy CP8 (Environment)

DETERMINING ISSUES AND CONSIDERATIONS

The appearance, materials and detailing of the replacement windows are detrimental to the character of this Grade II statutory Listed Building contrary to Section 16 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12 of the National Planning Policy Framework and Policy CP8 of the Taunton Deane Core Strategy.

As noted above the approved enforcement action has to date been delayed due to the personal circumstances of the owner at the time. As the property is now up for sale it is considered expedient to serve the notice in order that all parties are aware of the unauthorised works and the need to rectify them.

In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998

PLANNING OFFICER: Ms D Hartnell
PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

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