

Planning Committee – 28 March, 2007

Report of the Development Control Manager

Enforcement Item

Parish: Wellington

1. **File/Complaint Number** E381/43/2006
2. **Location of Site** Drakes Lodge, Taunton Road, Wellington
3. **Names of Owners** Mr Handley
4. **Names of Occupiers** Unoccupied
5. **Nature of Contravention**

Various works.

6. **Planning History**

The above property was first brought to the Council's attention when it was offered for sale in early December 2006 by Wilkie May & Tuckwood. A site visit was made by the Conservation Officer and it was established that all of the windows and external doors had been replaced with uPVC. The owner, Mr Handley, was contacted and advised that listed building consent was required for the works that had been carried out. Mr Handley said he was unaware that the property was listed and would look into the matter. In January 2007 a sold sign appeared at the site and the estate agent, Wilkie May & Tuckwood, was again contacted. From this Mr Handley contacted the Conservation Officer and a site visit has taken place to establish the full extent of the unauthorised works. Mr Handley subsequently submitted a detailed letter setting out his reasons as to why the works were undertaken. In summary these comprise:-

1. Estate Agents, Vendor, Solicitor and personal search did not reveal property listed.
2. Window installers did not apparently check whether property listed.
3. Personal enquiries of the Planning Authority did not reveal property listed.
4. Building Control approval for replacement windows.

Following a meeting between Development Control Manager, Senior Solicitor and the Conservation Officer a letter addressing the above points has been sent to Mr Handley responding in kind as follows:-

- 1 & 2 Issues against these bodies are outside the jurisdiction of the Council.
- 3 Personal enquiry was in respect of Conservation Area designation as revealed by personal search.

- 4 Building Control operate under separate legislation to Planning and cannot be responsible for advising applicants of designations under the Planning Act.

7. **Reasons for taking Action**

The uPVC double glazed units and plastic doors (factory made standard) are of poor quality and poor detailing. The non-traditional materials and detailing appearance are harmful to the character of the historic building and counter to national policy guidance. The works are harmful due to:- (1) materials are non-traditional/modern; (2) design is standard/out of keeping/fake glazing bars; and (3) double glazing is non traditional of alien appearance and detailing (i.e. silver spacing strips/depth/reflection).

Mr Handley has requested that the new windows remain in situ until such time as they need replacing (circa 20years). This is considered wholly unacceptable.

The property is a Grade II listed where the works carried out are contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 9, and Taunton Deane Local Plan Policy EN17 and National Planning Policy Guidance PPG15.

8. **Recommendation**

The Solicitor to the Council be authorised to commence listed building enforcement action for the unauthorised works and prosecution action in respect of the carrying out of these unauthorised works.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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