

Planning Committee: 18 October 2011
Application No: ENF 168/23/11

Item Number: 13

Case Officer: Dave Fry
01926 456522 dave.fry@warwickdc.gov.uk

5 Mallory Road, Bishops Tachbrook, Leamington Spa, CV33 9QX

Erection of structure to side of Listed Building
Property Owner(s) Mr D Norris

This enforcement case is being presented to Planning Committee to request that enforcement action be authorised.

BACKGROUND

In June 2011 it was brought to the attention of the Enforcement Section that a new timber construction with a tarpaulin cover, which serves as garaging for a single vehicle and storage for building and household equipment, had been erected on the side elevation fronting a highway on this Listed Building.

Contact was made with the owner and he was advised to remove the structure, which he has failed to do up to this time.

A prosecution is currently pending against the owner for failing to comply with a previous Listed Building Enforcement Notice and altering the same Listed Building without consent, regarding leaded windows in that property, (ACT/025/3/08).

RELEVANT POLICIES

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

W/11/0273LB [retrospective] Retention of leaded double glazed units in casement windows in the front elevation of the building, refused 8th June, 2011

W/10/0371LB [retrospective] Retention of leaded double glazed units in casement windows in the front elevation of the building, refused 13th October, 2010

W08/0764LB [Retrospective] Internal alterations, granted 26th August 2008

W07/1019LB Replace windows and door in the front elevation, granted 13th November 2007.

W05/0808 Change of use of property from mixed use post office/residential

KEY ISSUES

The site and its location

The property the subject of this report is a Grade II Listed Building situated within the Bishops Tachbrook Conservation Area. It is in the heart of the village being positioned close to St Chad's Church and the local convenience store. The two semi detached cottages, of which this is one half, are a prominent visual feature in the street scene.

Assessment

In considering this matter, the District Council is required to have special regard to the desirability of preserving listed buildings; their setting and features of special architectural or historic interest, and to the preservation or enhancement of the character and appearance of the Conservation Area.

The unauthorised construction comprises a highly conspicuous and inappropriate feature immediately adjacent to the fabric of this Listed Building, which not only impacts upon its character and appearance as a building of special architectural or historic interest, but also fails to preserve the character and appearance of the surrounding Conservation Area.

Justification for enforcement action

Extensive contact has been made with the owner and the situation fully explained but the matter has not been resolved. The service of an Enforcement Notice is now the only option available to rectify this breach.

RECOMMENDATION

That Officers be authorised to take appropriate enforcement action directed at the removal of the timber structure and component materials from the site, with a period of compliance of 3 months.
