

Planning Committee:
Investigation Number: ACT 94/9/06

Item Number: 26

Town/Parish Council: Kenilworth

Case Officer: Martin Perry
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40 New Street, Kenilworth, CV8 2EZ

Unauthorised demolition of front and side boundary walls.

This report is brought before committee in order to request that enforcement action be authorised.

BACKGROUND

On 2ND March 2006 it was brought to our attention that work was underway to demolish the front and side boundary walls at 40 New Street, Kenilworth without the prior consent of the District Council. The property is a Listed Building and is in the Kenilworth Conservation Area.

The site was immediately visited by an Enforcement Officer and it was found that the low brick garden wall fronting New Street and the higher wall fronting the side access driveway to the rear of the property had almost completely been demolished and work was still in progress. The builders were advised that as it was a Listed Building and consent had not been granted for the work they should cease work. They declined to stop working and immediate contact was made by telephone with the owner of the property Mr Monks, who was advised that unauthorised works to a Listed Building was a matter for which enforcement action and prosecution action could be taken.

RELEVANT POLICIES

(DW) ENV3 Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
DAP6 Protection of Listed Buildings (Warwick District Local Plan 1996-2011 First Deposit Version)
DAP10 Protection of Conservation Areas (Warwick District Local Plan 1996-2011 First Deposit Version)

PLANNING HISTORY

This property has been the subject of 5 planning applications and 4 listed building applications since 2001. There have been various extensions and alterations and a detached garage.

W01/1242 & W01/1243LB included details of modifications to the side wall adjacent to the front vehicular access to reduce a section in height to 0.6 metres to assist the pedestrian site line.

W04/1190 & W04/1191LB included details of a small reduction in height of the section of the front wall adjacent to New Street between the pedestrian access to the main door of the house and the vehicle driveway to blend with the reduction in height of the side wall.

There has been no application made or consent granted to demolish the walls subject to this report.

KEY ISSUES

The site and its Location

The property is a Listed Building within the Conservation Area and whilst the front and side walls were not as old as the house they appear to have been built of mid nineteenth century bricks with a sand stone plinth. The adjacent house has a similar arrangement which appears to be a Victorian addition to both houses, and the walls are therefore historically significant.

Assessment

The walls were demolished with no apparent attempt to retain the bricks for future use. It is essential that the walls are rebuilt and there is a need to control the development to achieve a high standard of design and materials having regard to the character of the building and the surrounding area.

The criminal aspect of the unauthorised works to a Listed Building is subject to an ongoing investigation and enquiries and liaison with the Head of Legal Services.

Justification for enforcement action

In view of the significant adverse impact on the Listed Building and the Conservation Area, the service of a Listed Building Enforcement Notice is now the only option available to require the walls to be rebuilt and strictly control the works and materials.

RECOMMENDATION

That enforcement action be authorised to ensure that the front and side boundary walls are rebuilt in accordance with the requirements of the District Planning Authority. The period of compliance to be two months.