

Case No. ENF/16/00248/LIS

Grid Ref: 295220 112667

Address:

3 Bridge Buildings, West-Exe North, Tiverton, Devon

Alleged Breach:

Listed Building in a poor state of repair

Recommendations:

That the Legal Services Manager be authorised to take any appropriate legal action, including the service of a notice or notices seeking the repair and redecoration of the exterior of the listed building. In addition, in the event of a failure to comply with any notice served, to authorise prosecution, direct action and/or authority to seek a court injunction.

Site Description:

3 Bridge Buildings, Tiverton, Devon.

A three-storey terraced house of 19th century origin, Listed grade II. The property is also situated in Tiverton conservation area.

Site Plan:



Site History:
None

Development Plan Policies:
National Planning Policy Framework

Mid Devon Core Strategy (Local Plan 1)
COR2 - Local Distinctiveness

Mid Devon Local Plan Part 3 (Development Management Policies)
DM27 - Development affecting heritage assets
DM31 - Enforcement

Reasons/Material Considerations:

3 Bridge Buildings is a Listed Building (grade II), lying in Tiverton Conservation Area in Westex. It is a 19th century terrace house originally thought to have been built by Heathcoat's factory. The building is rendered brick with sash timber windows. It forms one of four houses in the terrace, all of which match.

The building has been in a poor condition and vacant for many years. In 2012 the owner was approached by your conservation officer on suspicion that unauthorised works had taken place to the interior of the building and also to discuss the state of repair of the building. A visit was arranged and it was discovered that the building had been gutted internally just before the building was formally Listed in 2000. This is supported by correspondence with the planning department on other matters. The interior works were therefore not unauthorised. However the building is a Listed building and the state of repair of the exterior was considered to be of concern.

Discussions and negotiations with the owner have been ongoing since 2012 to increase the speed at which repairs take place. Scaffolding has been erected on the building and has been in place for two years. Whilst it is clear that the owner does work on the building periodically and has a desire to repair the building and eventually live in it, the speed of these works is of concern because of their impact on the appearance and condition of the listed building, those listed buildings next to it and the character of the conservation area.

It is now your Officers opinion that a section 215 notice should be served, requiring the property to be repaired and redecorated within a reasonable time period.

Human Rights and Equality Issues:

Any enforcement action could be said to impact upon the land/property owner/occupier's human rights under Article 8 and Article 1 of the First Protocol of the Human Rights Act 1988.

In this case your Officers have considered the Act and circumstances and do not believe there to be any human rights implications but simply a requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 for the building to be preserved and kept in a reasonable state of repair. Therefore the Local Planning Authority believes it is pursuing a legitimate aim in seeking compliance with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 so as to prevent the demonstrable harm of the statutorily protected building and to protect the environment.

Options for action or remedy:

The list of options available is as follows:

Take no action:

1. This would not be the appropriate course of action. There is no justification for the Listed property to remain in its current condition and to impair the visual amenity of the area and character of the conservation area. To allow the current situation to persist is contrary to current planning policy and the Listed building legislation.
2. Issue an urgent works notice: This is not considered appropriate at this time and would only be served where works are urgently necessary for the preservation of the Listed Building to make it wind/weather tight, to address structural concerns or prevent vandalism or theft.
3. Issue a Listed Building repairs notice. This is a precursor to compulsory purchase and not considered appropriate at this time.
4. Issue a Section 215 Notice seeking works to improve the condition and the appearance of the property. Authorise seeking of magistrate's warrant to gain access to interior of building to further investigate unauthorised works if required:

These are considered by your Officers to be the appropriate courses of action.

Reasons for Decision:

The statutorily protected listed property is in a poor state of repair and works are not progressing at a speed that will ensure its preservation. The amenity and character of the conservation area is adversely affected and works are required to improve the appearance and condition of the property and to prevent damage to neighbouring property. This is contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and Local Plan (Part 3) policy DM27.

Steps Required:

All the below works are required to be carried out to the main house.

1. Replace all timber fascias to the same design and size as no. 4 Bridge Buildings, decorating the fascias with an appropriate exterior paint system of primer, undercoat and top coats.
2. Repair or replace with cast iron all rain water goods such as guttering and downpipes to both front and rear elevations, ensuring that the repaired or replaced guttering and downpipes efficiently disposes of surface water. Ensure all rainwater goods are appropriately decorated with preparatory undercoats and gloss finish coats.
3. Prior to repainting, clean and remove all flaking paint from front elevation; redecorate using an appropriate exterior paint system of undercoat and top coats.
4. Repair sash windows as required and redecorate using an appropriate exterior paint system of primer, undercoat and gloss top coats.
5. Repair front door by removing rotten timber and scarfing in new timber to match. Prior to redecoration, clean and remove all flaking paint; redecorate using an appropriate exterior paint system of undercoat and gloss topcoats.
6. Ensure lead flashings and soakers to roof where it abuts neighbouring properties and chimney stacks are fully functional and if required, replace in leadwork.
7. Repair roof using natural slate (either reused or new to match existing) with breathable membrane under, new battens and appropriate repairs to rafters where necessary.

8. Repoint chimney stacks where required by raking out defective mortar and replacing with a lime putty mortar or moderately hydraulic lime mortar, with a brushed finish.
9. On completion of all works remove scaffolding from site and leave site in tidy condition.

Period for Compliance:

Four months from the date the Notice takes effect.