

DELEGATED FILE NOTE

CASE OFFICER: ...Mark Simmons.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00667/LDCLB	Removal of existing render to west gable and replace with a lime and hair render and limewash finish to match existing. Following tap testing, additional areas of cracked render requiring patch repair to be undertaken using the same material and finish as that for the west gable.	2 The Range Upper King Street Royston Hertfordshire SG8 9AZ

Submitted Plan Nos

Location plan

1.0 Policies

2.0 **Relevant History**

- 2.1 There is application history on file under nos. 39-41 Upper King Street, no. 41 Upper King Street and no.2 The Range, Upper King Street. The most relevant applications are as follows:

Nos. 39-41 Upper King Street

- **08/00689/1** - Conversion and alterations of outbuildings to form two 2 bed dwellings including first floor gable addition fronting Upper King Street. (Amended plan received 19.05.08).
CP 23.05.2008
- **08/00694/1LB** - Conversion and alterations of outbuildings to form two 2 bed dwellings including first floor gable addition fronting Upper King Street. (Amended plan received 14.05.08).
CCON 22.05.2008

No.2 The Range, Upper King Street

- **24/02847/GEN** - Grade II Listed Building - Damage to Rendering.
Email response 26.02.2025

3.0 **Legislation**

- 3.1 Section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990 or Sections 16 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of the NPPF.

4.0 **Representations**

- 4.1 No consultation required.

5.0 **Planning Considerations**

5.1 Site & Surroundings

- 5.1.1 2 The Range, Upper King Street is grade II listed and is located within the Royston Conservation Area. The address for the list entry is 'Barns adjoining 41 Upper King Street' and the entry reads as follows:

C17 or earlier. Timber frame, old tiled roofs. Weatherboarding, pargetted oversailing 1st floor. 1 and 2 storeys, tiled roofs.

Nos 41 to 67 (odd), Barns adjoining north end of No 41 and No 43A form a group.

5.2 Proposal

- 5.2.1 The description reads as follows: ***Removal of existing render to west gable and replace with a lime and hair render and limewash finish to match existing. Following tap testing, additional areas of cracked render requiring patch repair to be undertaken using the same material and finish as that for the west gable.***

5.3 Key Issues

- 5.3.1 The key issue for consideration here is whether the works constitute alterations affecting the building's special character, in which case, an application for listed building consent is required or, whether the works are considered lawful within the meaning of Section 26H(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and in which case, a Certificate of Lawfulness of Proposed Works can be granted.
- 5.3.2 Section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the 1990 Act") provides that anyone who wishes to ascertain whether proposed works for the alteration or extension of a listed building would be lawful (i.e. that the works would not affect the character of the listed building as a building of special architectural or historic interest) may make an application to the local planning authority, describing the works, in order to receive a formal response – a certificate of lawfulness of proposed works. Section 26H broadly mirrors the provisions of section 192 of the Town and Country Planning Act 1990 ("the 1990 Act") in respect of certificates of lawfulness of proposed use or development in the planning system. Sections 26I and 26K were inserted into the Act by section 61 of the Enterprise and Regulatory Reform Act 2013 (c. 24) ("the 2013 Act").
- 5.3.3 Applications for Certificates of Lawfulness of Proposed Works cannot be submitted in respect of works which have already been carried out as stated in the Guidance Notes on the Planning Portal. The works have not yet commenced on site.
- 5.3.4 The Planning (Listed Buildings) (Certificates of Lawfulness of Proposed Works) Regulations 2014, states that such applications should be accompanied by, amongst other things, a statement explaining why the applicant believes the proposed works would not affect the character of the listed building as a building of special architectural or historic interest.
- 5.3.5 According to the guidance on making such an application, applications for Certificates of Lawfulness of Proposed Works should include the following information:
- *detailed description of the proposed works (including existing and proposed materials and finishes) together with details of those part(s) of the building likely to be affected*
 - *the reasons the applicant thinks they are entitled to a Certificate of Lawfulness of Proposed Works i.e. why they think the proposed works do not affect the special architectural or historic interest of the listed building*
 - *any other relevant information*
 - *a plan identifying the listed building(s) to which the application refers*
 - *a statement as to the applicant's interest (ownership, tenancy etc) in the listed building(s) and any interest of any other person*

- details of listed building grading – if not known, this information can be found in the National Heritage List for England, which is available on Historic England's website at: (<https://www.historicengland.org.uk/listing/the-list>)

5.3.6 Section 6 of the application form states:

As described in Attachment 2 the work is required to repair lime mortar render that was damaged during a storm in December 2024. The existing render material is a hair lime mortar with a lime wash finish and the scope of work and outline methodology show that the repair will be completed using a hair lime mortar matched by using biscuit samples. The repair will be finished with a lime wash matched to the existing colour. Owing to other damage that has become apparent following the storm, and previous cement repairs, to the west gable end Cliveden Conservation have recommended removal of the remaining render from the west gable end and for the entire gable end to have new hair lime mortar finish. While the west gable end is being repaired it is also intended, following a tap test survey, to repair cracks on other walls of the building. The same matched hair lime mortar and lime wash will be used for the crack/patch repairs. The West End Gable repair is described in items 1-9 of the Outline Methodology and items A1-A6 of the Quote from Cliveden Conservation (Attachment 2). The crack and patch repairs are described in items 10-16 of the Outline Methodology and items B1 & C1 of the Quote from Cliveden Conservation (Attachment 2).

5.3.7 Section 7 of the application form states the following:

A reputable company has been contracted to carry out the repairs and they will be matching the hair lime mortar to the existing mortar on the building and they will colour match the lime wash to the existing lime wash colour. The work is essential to make the west end gable sound and weatherproof and by the use of matching materials the character of the building will not be altered. The crack and patch repairs are necessary to ensure that there is no further deterioration of the render, and this will again be carried out with matching materials, retaining the current character of the building.

5.3.8 Cliveden Conservation quotation dated 20 January 2025 accompanies this application and outlines the following:

West Gable End:

1. Tap test survey of existing render.
2. Manually remove failed render carefully from laths to west gable end including later cement fills.
3. Retain sample of original render and make biscuit samples to match original.
4. Trials to match existing limewash colour.
5. Assess condition of lath. If new laths are required use pre-drilled riven chestnut.
6. Apply 1st coat well haired custom-made lime render scratch coat based on samples.
7. Apply top coat custom made lime render based on samples.
8. Allow up to 3 coats custom made limewash based on trials.
9. All render and limewash coats must be well tended and protected.

Patch and crack repairs:

10. Tap test survey of existing render.
11. Manually remove any failed areas of render and prep edges to ensure no feathering.
12. Manually open up cracks.
13. Apply 1st coat well haired custom-made lime render scratch coat based on samples.
14. Apply top coat custom made lime render based on samples.
15. Allow up to 3 coats custom made limewash based on trials.
16. All render and limewash coats must be well tended and protected.

5.3.9 It is considered that the application is well-justified, and the fact that the works are due to be carried out by a highly experienced conservation-based contractor is noted.

5.4 **Conclusion**

5.4.1 The works are repairs rather than an alteration and will not affect the listed building's special character. It is considered, therefore, that listed building consent is not required and that a Certificate of Lawfulness of Proposed Works should be granted.

6.0 **Recommendation**

6.1 That a Certificate of Lawfulness of Proposed Works be **GRANTED**.

1. The proposal would not constitute an alteration affecting the special character of this grade II listed building and is lawful within the meaning of Section 26H(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 25 April 2025	