

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/02134/LDCLB	Installation of 100mm flue pipe to recessed wall of annex at ground floor level	Kirby Manor 73 High Street Ashwell Baldock Hertfordshire SG7 5NP

Submitted Plan Nos

Photograph of Drg No: 117 from 95/00227/1LB : Proposed Elevations and Sections Photos a to g
Location plan j - Plan of siting of proposed flue

1.0 Policies

HE1 Designated heritage assets

SECN16 Conserve + enhance historic environment

2.0 Relevant History

2.1 The planning history for this site is provided below.

85/01084/1LB - Internal alterations and installation of new rear doors and window.
CON 19.08.1985

93/01108/1LB – Retention of ground floor window.
CON 24.11.1993

95/00227/1LB - Single storey rear extension and internal and external alterations to facilitate use of Dental Surgery as residential annexe.
CON 13.04.1995

095/00228/1 - Use of former Dental Surgery as elderly persons annexe incorporating single storey rear extension.
CP 13.04.1995

25/02041/GEN – Listed building works.
Response 14.08.2025

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 Kirby Manor, 73 High Street, Ashwell is grade II listed and located within the Ashwell Conservation Area. The building and the area are Designated Heritage Assets for the purpose of applying the aims of Section 16 of the NPPF. The list entry reads as follows:

<https://historicengland.org.uk/listing/the-list/list-entry/1102709?section=official-list-entry>

5.2 Proposal

- 5.2.1 The description reads as follows: ***Installation of 100mm flue pipe to recessed wall of annex at ground floor level.***

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 The statement accompanying this application mentions that the ballcock to the central heating header tank needs replacing but the applicant has been unable to find a plumber to access the roof and undertaken the work resulting in constant overflow. The applicant has received a recommended solution from British Gas following 2 site visits (Heating Adviser then the Heating Adviser accompanied by Senior Engineer) which is to install a modern boiler (it is unclear how this resolves the overflow from the header tank). This application seeks the installation of a 100mm diameter flue pipe through the recessed wall of the current boiler room. The justification given is that the flue would be in a less visible location and should the flue become redundant the appearance of the wall can be

restored which would not be possible if drilling through the older facing brickwork alongside.

5.4 **Conclusion**

- 5.4.1 It is considered that the proposed works are de minimis i.e. will not affect the listed building's special character, therefore, 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 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: 9 October 2025	