

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/01631/LDCLB	Repairs and restoration to chimney base- in lower ground floor area	57 High Street Ashwell Baldock Hertfordshire SG7 5NP

Submitted Plan Nos

Location plan Floor plan Structural Calculations (March 2025)

1.0 Policies

HE1	Designated heritage assets
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2.0 **Relevant History**

- 2.1 The full planning history can be viewed on file and the following applications are considered most relevant.

98/00542/1LB - Removal of internal partition wall and replacement doors.
CON 22.06.1998

01/01927/1HH - Single storey rear extension
CP 18.03.2002

01/01929/1LB - Single storey rear extension
CCON 18.03.2002

07/00292/1LB - Installation of staircase between ground floor and cellar. Insertion of fireplace in lounge. Alterations to first floor layout. Block up one window and replace one first floor window to rear elevation. External lights to front elevation (as amended by drawing no. 756.01A received 02/03/2007).
CCON 18.04.2007

07/01791/1LB - Internal alterations to Kitchen and Utility/shower areas.
CCON 25.09.2007

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 Nos. 57 & 59 High Street, Ashwell are together grade II* listed and are 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/1347311?section=official-list-entry>

5.2 **Proposal**

- 5.2.1 The description reads as follows: ***Repairs and restoration to chimney base in lower ground floor area.***

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 Document entitled Structural Calculations prepared by Cornerstone Consulting Engineers Ltd (March 2025) begins by saying:

Conservation repairs to Grade II listed terraced property with 2 storeys + cellar/ basement. The repairs are required to restore structural adequacy to the cellar clunch chimney stack base and loadbearing internal wall. Degradation has been caused by high humidity levels in the cellar following a single storey extension constructed to the rear of the property in 2002. This problem was resolved in the last few years with the provision of ventilation ducting. However, the clunch surfacing and mortar are exhibiting long term softening and deterioration to the point where intervention is necessary in order to avoid structural instability.*

- 5.3.6 This document goes on to say that the repair proposals comprise the following:

- ☐ *Replace the thin cob material with yellow stock bricks with lime putty mortar in order to offer adequate support to the steel beam*
- ☐ *De-frass the clunch surface and replace damaged stones*
- ☐ *Replace the degraded lime mortar with lime putty mixed with stone fill (for large voids)*

- 5.3.7 The list entry refers to this c.1500 building being '*extended by an identical bay at left end in late C16*' and the interior of left house (no.57) is described as having '*heavy, wide-chamfered floor beam. Cellar with clunch and brick walls on left*'.
- 5.3.8 The repairs are divided into four Repair Specifications and Repair Specifications 2, 3 and 4 would not result in any alterations as such to this listed building. The works covered by Repair Specification 1, however, are different in that this would involve replacing damaged / soft cob infill with soft bricks (yellow stocks) dressed to match existing with lime putty mortar. The question then arises as to whether this alteration from cob to brick is considered to affect the listed building's special character to justify the need for listed building consent or can the works continue under this Certificate of Lawfulness of Proposed Works to a Listed Building, if granted?
- 5.3.9 It is acknowledged that this a high value Designated Heritage Assets and that any loss of fabric needs to be considered carefully. The Structural Calculations document mentions that "*The steel beam supporting the ground floor above cantilevers over a precast concrete lintel over a **patch of thin cob (soft clay mixed with straw/ twigs)**. The beam has been temporarily propped as the lintel is inadequately supported*" (my emphasis in bold).
- 5.3.10 Whereas removing and not replacing clunch work would have been a concern, that is not what is proposed. Whilst the removal of a thin section of 'soft cob' material and replacing this with brickwork is proposed, this would not affect the building's special character to the extent that declining a certificate being issued is justified.

5.4 **Conclusion**

- 5.4.1 It is considered that the proposed works 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  Sam Dicocco Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 20 August 2025	