

DELEGATED FILE NOTE

CASE OFFICER: ...Tricia Craggs.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01485/LDCLB	Repair existing chimney stack, repointing and using reclaimed bricks where necessary and finished with code 5 lead flashing.	41 High Street Pirton Hitchin Hertfordshire SG5 3PT

Submitted Plan Nos

Location Plan Chimney Repair - Elevation

1.0 Policies

HE1	Designated heritage assets
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2.0 **Relevant History**

2.1 The most recent planning history is.

06/00113/1LB - Insertion of rooflights in existing rear.
07/02504/1LB - Two and single storey rear extension. Single storey rear extension and conversion to existing garage to create study/guest bedroom, shower room and utility room with two rooflight s to western roof slope. New partition and door to form bathroom. New master bedroom and en-suite shower room formed following removal of internal partitions. Kitchen and WC internal partitions to be removed to provide open-plan kitchen/dining room in rear extension.

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 Section 20 of the NPPF.

4.0 **Representations**

4.1 No consultation required.

5.0 **Planning Considerations**

5.1 Site & Surroundings

5.1.1 41 High Street Pirton is located with the Pirton Conservation Area. The summary of its significance is copied below (taken from Pirton Conservation Area Character Appraisal and Management Plan)

Pirton Conservation Area is significant as an important, historic and continually occupied medieval settlement. For a small village, Pirton contains a wealth of historical features, evidenced by the high number of designations within the Conservation Area. The street plan and layout of the village is indicative of its phased development, providing an insight into Pirton's long running history. From the position of roads, buildings and greens, it is possible to determine how the village grew and declined, representing both local and national events.

The building is listed and the following is copied from Historic England

PIRTON HIGH STREET TL 1431 (North side)

7/161 Nos. 41, 43, and 45 28.8.75

GV II

2 adjoining houses, now 3 houses. C17, altered C18 and later, No. 45 later C17 altered in C18 and C19. Timber framed, roughcast with painted brick casing to ground floor of Nos. 41, 43. Steep old red tile roofs. A 2-storeys, 3-bays range, set back from road, facing S, with 2 1/2-storeys house (No. 45) set back on E end. Main range has 3 windows to 1st floor and 4 to ground floor with a door between each pair, 2-lights flush small-panes casements, and boarded doors. Dripboard over each ground floor opening. Large internal E gable chimney in C18 brick. Gabled rear wing at NW. No. 45 has one window to each floor and gabled dormer at eaves. Door on LH of ground floor window. 2-lights flush casement windows with small panes. Eaves lower at rear over outshut. Internal E gable chimney. Boarded door. Clapped purlin roof. Small sash windows in E gable.

Listing NGR: TL1474031797

5.2 **Proposal**

- 5.2.1 Repair existing chimney stack, repointing and using reclaimed bricks where necessary and finished with code 5 lead flashing.

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 or buildings as a building or buildings of special architectural or historic interest.

5.3.5 The submitted Design and Access Statement says:

- o for repointing and brick repairs Sharp Sand and NHL 3.5 Lime in a 3 parts sand 1 part lime mix
- o for brick replacement handmade bricks, like for like replacement new or second hand.
- o for lead for flashing – rolled lead code 5.

5.4 **Conclusion**

5.4.1 It is considered that the replacement chimney stack and associated work would not affect the listed building's external appearance and special character. It is considered, therefore, that listed building consent is not required and that a Certificate of Lawfulness of Proposed Works can 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  Sarah Kasparian	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 17 September 2026	