DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/00502/LDCLB	Internal alterations to existing bathroom and installation of mechanical extractor fan with associated external flue to north elevation.	25 Chapel Road Breachwood Green Hitchin Hertfordshire SG4 8NX

Submitted Plan Nos

1.0 Policies

1.0 Relevant History

1.1 None

2.0 Legislation

2.1 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.

3.0 Representations

3.1 No consultation required.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 Nos.23 & 25 Chapel Road are grade II listed and form one entry on the statutory list of buildings of special architectural or historic interest and the list entry reads as follows:

2 houses in one block. C18, possibly adapting an older building. Red brick in Flemish-bond with steep slate roof. A 2-storeys block facing W, set back beside Baptist Chapel. Projecting gable-end chimneys and rear outshut. The W front of the block has stucco plinth, 2 low 2-lights flush casement windows under the eaves, 2 flush box sash windows to ground floor with 3/6 panes and segmental arches. 2 plank doors in heavy frames at middle. Interior of each house has one main room on ground floor with a narrow rear service room from which the stair rises. Pattern of beams differs in each house and plan not handed suggesting an earlier origin. (RCHM Typescript).

4.2 Proposal

4.2.1 The proposal is to undertake internal alterations to the existing bathroom and install a mechanical extractor fan with associated external flue to the north elevation.

4.3 Key Issues

4.3.1 The key issue for consideration here is whether the proposed 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 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.

4.3.2 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").

4.3.3 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. In this particular case, the works have not commenced.

4.3.4 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. It is considered that the following submission is considered sufficient on this occasion:

"The proposed adaptations are to create a bathroom that is practicable to all family members whilst providing for the needs of a disabled occupant and ensuring that the facilities provided are safe and accessible.

The design creates minimal disruption to the Listed Building, looking to utilise existing arrangements and thus retain original features and materials while affecting sympathetic repairs and alterations."

4.4 Conclusion

4.4.1 The works are regarded as 'de minimis' i.e. would be so minor as not to affect the building's special character. It is, therefore, considered that listed building consent is not required and that a Certificate of Lawfulness of Proposed Works can be granted.

5.0 Recommendation

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

Proactive Statement:

The proposal would not constitute alterations affecting the special character of this curtilage-listed building and are lawful within the meaning of Section 26H(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Signed	Development Management North Hertfordshire District Council Council Offices

 Simon Ellis Determining Officer	Gernon Road Letchworth Herts SG6 3JF
Date: 21 March 2018	