

DD number: 01242 774987
Our ref: 14/00196/DCUA
Ask for: Daniel Lewis
e-mail: daniel.lewis@cheltenham.gov.uk

Date: 15 September 2015

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear

**Re: Unauthorised development at 159 Fairview Road Cheltenham Gloucestershire
GL52 2EX**

Enclosed is a Listed Building Enforcement Notice issued by Cheltenham Borough Council (the Local Planning Authority) on in connection with the above. Copies of the Notice are also being served on others understood to have an interest in the land.

The Notice will take effect on 19 October 2015, unless an appeal is made against it to the Planning Inspectorate before that date. Once the Notice has taken effect, you must ensure that the steps required for compliance, specified in section 5 of the Notice are taken within the 6 months allowed for compliance. Failure to comply with the requirements of an Enforcement Notice once it has taken effect can result in prosecution and / or remedial action being taken by the Council.

If you wish to appeal against the Notices, you are advised to visit the Governments Planning Portal website at www.planningportal.gov.uk/planning/appeals/planninginspectorate All the information relating to the enforcement appeal process and procedures can be found here as well as the required appeal forms. If you have any queries or questions, you can contact the Customer Service Team on 0303 444 5000 or by emailing them at enquiries@pins.gsi.gov.uk.

You can submit your enforcement appeal on-line through the Planning Portal web pages and by using the Planning Casework service provided by the Planning Inspectorate. This is an on-line service that gives you wider and easier access to the planning system and it allows you to track the progress of your case. A copy of the appeal should be sent to the Council and you are advised to keep a further copy for your own records.

Any appeal against the Notice must be received or posted in time to be received by the Planning Inspectorate at the address shown on the appeal form, before the date on which the Notices take effect.

Yours sincerely

Mark Nelson
Enforcement Manager

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
Section 38

LISTED BUILDING ENFORCEMENT NOTICE

ISSUED BY: Cheltenham Borough Council ('the Local Planning Authority')

To:

1. THIS NOTICE is issued by the Local Planning Authority (LPA) for the purposes of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act") in relation to the building described below which is included within a list approved or compiled under section 1 of the Act.

2. THE LAND TO WHICH THE NOTICE RELATES:

Land at **159 Fairview Road Cheltenham Gloucestershire GL52 2EX**
(As show edged red on the attached plan for identification purposes)

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL:

- Without prior listed building consent the execution of works to the building namely:
 - Removal of the internal skin of masonry to the external flank wall and chimney breast to the ground floor rear reception room along with the partial removal of the internal wall dividing the front and rear reception rooms and associated plaster.
 - Removal of sections of timber flooring and skirting to the ground floor rear reception room.
 - Creation of apertures through the external flank wall.
 - The installation of 5 (five) Upvc windows in the front and rear elevations of the property.

4. REASONS FOR ISSUING THE NOTICE:

- The Local Planning Authority considers that the works specified in section 3 of this Notice have been executed to the building and are such as to constitute a contravention of Section 9 (1) or 9 (2) of the Act.
- The Local Planning Authority considers it expedient to issue this Notice having regard to the effect of the works on the character of the building as one of special architectural and historic interest.
- The Local Planning Authority considers that the works executed to the building are contrary to the guiding principles and section 12 paragraphs 132 & 134 of the

NPPF; section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; and to Cheltenham Borough Local Plan policies CP7 and BE9.

5. WHAT YOU ARE REQUIRED TO DO

- Reinststate the inner masonry skin of the external flank wall, chimney breast and internal ground floor dividing wall with the original bricks that remain on site. Where additional bricks are required, they should be of the same size, composition and finish as those used in the original build.
- Re-plaster the reinstated brickwork using a lime plaster based plaster finish.
- Reinststate the timber flooring and skirting using materials and profiles to match those remaining in the building.
- Re-fill the apertures through the external flank wall using brick dust from damaged salvaged bricks on site that cannot be re-used in the reconstruction of the walls and chimney and finish with render to match the external finish of the flank wall.
- Remove the five unauthorised Upvc framed windows from the building, two on the front elevation and 3 on the rear elevations facing St Anne's Terrace, and replace all with more appropriate timber sash windows making good any damage caused to the building during these works.

6. TIME FOR COMPLIANCE

- Six months from the date of the Notice.

7. WHEN THIS NOTICE TAKES EFFECT

- This Notice takes effect on 19 October 2015 unless an appeal is made against it beforehand.

Signed:

Date: 15 September 2015

Mr Mike Redman
Director - Environmental and Regulatory Services

on behalf of: Cheltenham Borough Council, Built Environment Enforcement, Municipal Offices, Promenade, Cheltenham, Gloucestershire GL50 9SA

ANNEX

Your right of appeal:

You can appeal against this Notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the date specified in paragraph 7 of the Notice.

If you wish to appeal against the Notice, you are advised to visit the Planning Portal website at www.planningportal.gov.uk/planning/appeals/planninginspectorate. All the information relating to the enforcement appeal process and procedures can be found here, as well as the required appeal forms. If you have any queries or questions, you can contact the Customer Service Team on 0303 444 5000 or by emailing them at enquiries@pins.gsi.gov.uk.

What happens if you do not appeal:

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and / or remedial action by the council.

Property Plan

Scale 1:1250

