

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

LISTED BUILDING ENFORCEMENT NOTICE

ISSUED BY: **NORTH EAST LINCOLNSHIRE COUNCIL**

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to the Council that works have been carried out to the listed building described in paragraph 2 of this Notice in contravention of section 7 of the above Act. The Council considers that it is expedient to issue this Notice, having regard to the effect that the works have on the character of the building which is of special architectural or historic interest.

The annex at the end of the Notice and the enclosures to which it refers contain important additional information.

2. **THE LAND AFFECTED**

The Francis Willmer McAulay Memorial Cottages ("the Listed Building"), Aylesby Lane, Aylesby, Grimsby, North East Lincolnshire, shown edged red on the attached plan ("the land")

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF LISTED BUILDING CONTROL**

Without Listed Building Consent, the removal of existing wood framed windows and the insertion of uPVC framed windows within the following locations within the Listed Building, which is a Grade II Listed Building, as defined in section 1 of the Act.

- (1) 13 (thirteen) windows on the first floor of the rear elevation,
- (2) 6 (six) windows on the ground floor of the rear elevation,
- (3) 1 (one) window on the first floor of the eastern elevation,
- (4) 1 (one) window on the first floor of the western elevation,
- (5) 2 (two) windows on the ground floor of the western elevation,
- (6) 11 (eleven) windows on the first floor of the front elevation, and,
- (7) 20 (twenty) windows on the ground floor of the front elevation.

4. **REASONS FOR ISSUING THIS NOTICE**

The Listed Building is made up of seven individual linked cottages which are located on the east side of Aylesby village.

Permission from the Local Planning Authority was not obtained prior to the development taking place.

Listed Building Consent to retain the unauthorised replacement windows has been refused by the Local Planning Authority (DC/458/08/WOL dated 21st April 2009). The reason for refusal was as follows;

"The retention of the existing Upvc windows and the proposed replacement of the remaining windows with Upvc windows would have a detrimental impact on the appearance of this historic Arts and Crafts style listed building due to the Upvc window's unsympathetic design and materials and therefore the retention of such windows would be contrary to both National Policy, as set out in PPG15 – Planning and the Historic Environment and Local Planning Policy as set out in the North East Lincolnshire Local Plan 2003, particularly saved Policies GEN1 and BH5."

The replacement windows are considered to be unsatisfactory and adversely affect the character and appearance of this grade II Listed Building. The windows do not resemble the traditional sliding sash windows that were in situ at the time the cottages were listed under the above Act.

The Local Planning Authority believes that the retention of these windows in the Listed Building is contrary to saved Policies GEN1 and BH5 of the North East Lincolnshire Local Plan Adopted November 2003 and Planning Policy Guidance 15 (PPG15): Planning and the Historic Environment.

5. WHAT YOU ARE REQUIRED TO DO

1. Remove all of the uPVC framed windows on all elevations of the Listed Building, as marked with an 'X' on the attached photographs.
2. Replace the windows with wooden framed windows, the joinery and glazing details of which are to be agreed in writing with the Local Planning Authority, prior to installation.

(The replacement windows shall be of such a design and materials that they match in design and form, the windows that were in situ when the cottages became subject to listing under the above Act.)

3. Submit an application for Listed Building Consent prior to the compliance with requirements 1 and 2 above.

6. TIME FOR COMPLIANCE

One year from the date this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 26 March 2010 unless an appeal is made against it beforehand.

Dated: 26/2/10

Signed: 

R Walsh
Executive Director of Business Services
North East Lincolnshire Borough Council
Municipal Offices
Town Hall Square
Grimsby
DN31 1HU

ANNEX

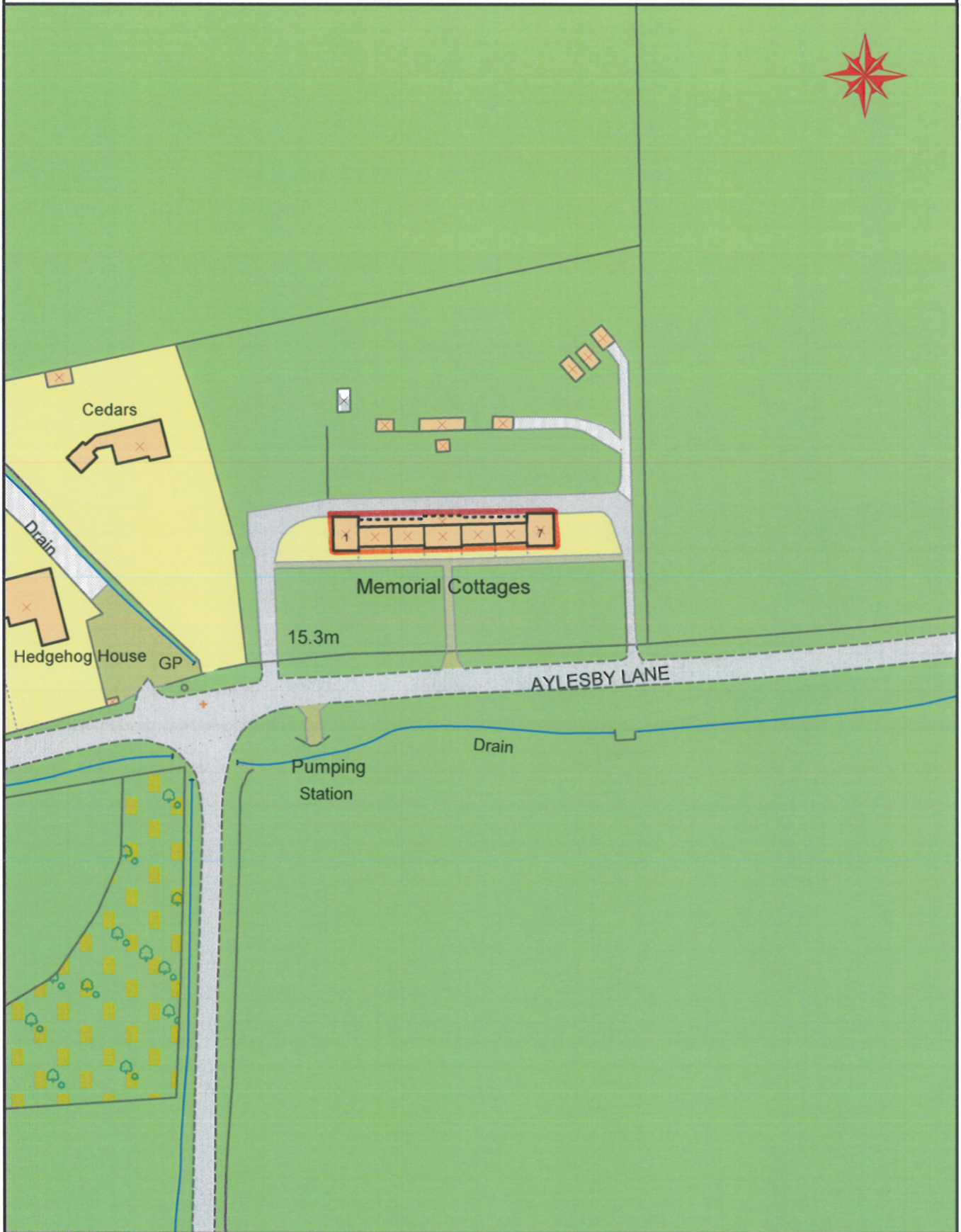
YOUR RIGHT OF APPEAL


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 this Notice. The enclosed information sheet sets out your rights. Read it carefully.

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 this 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 the Notice. Failure to comply with an Enforcement Notice, which has taken effect, can result in prosecution and/or remedial action by the Council.

Memorial Cottages, Aylesby



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