

LISTED BUILDING ENFORCEMENT NOTICE

(unauthorised works)

WHEREAS:

(1) The building situate at and known as^(a) 4 Ebberly Lawn, Barnstaple which is more particularly delineated on the attached plan and thereon coloured red ("the building") is a listed building as defined in section 54 of the Town and Country Planning Act 1971 ("the Act").

(2) The building is situate within the district of the^(b) North Devon District Council ("the Council"), being the local planning authority for the purposes of Parts IV and V of the Act.

(3) It appears to the Council that the following works, namely^(c) the alteration of an attic to form a room including the removal of an existing pitched roof, dormer window and the formation of two flat roofed dormer windows in the front elevation and the erection of a large flat roofed dormer in the rear elevation ("the said works") [have been] [are being] carried out to the building and that the said works involve a contravention of section 55(1) of the Act in that the said works are for the [demolition] [of part] [alteration] [extension] of a listed building [in a manner affecting its character as a building of special architectural or historic interest^(d)] and the said works are not authorised under Part IV of the Act, no listed building consent having been granted therefor.

(4) The Council consider it expedient, having regard to the effect of the said works on the character of the building as one of special architectural or historic interest, to issue this notice.

NOTICE IS HEREBY GIVEN that, in exercise of their powers under section 96 of the Act, the Council require that the steps specified in the Schedule hereto be taken [to restore the building to its former state] [to alleviate the effect of the said works] within the period of three calendar months from the date on which this notice takes effect.

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of section 97(9) of the Act, on 11 July 1988.^(e)

SCHEDULE

1. Remove the unauthorised dormer constructions from the front and rear elevations to 4 Ebberly Lawn
2. Return the building to its condition before the unauthorised work was carried out

Issued 9 June

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(Signed)

(Designation) Solicitor

(The officer appointed for this purpose).

Address to which all communications are to be sent.

SEE OVERLEAF

N.B. Delete any words in square brackets, which do not apply.

- (a) Insert address or description of the building to which the notice relates.
- (b) Insert name of Council issuing the notice.
- (c) Insert description of works.
- (d) Delete in the case of demolition of part or whole of building.
- (e) The date specified must be not less than 28 clear days after all the copies of the notice will have been served (see section 96(3) of the Act).

NORTH DEVON DISTRICT COUNCIL

Annex to Listed Building Enforcement Notice issued

the 9th day of June 1988

1. On the 23rd October 1987 the owner of 4 Ebberly Lawn, Barnstaple applied for a Listed Building Consent for an attic conversion which involved the demolition of an existing dormer and the construction of two dormers to the front elevation of the property and a further dormer to the rear elevation of the property. All the dormers were of a flat-roof construction.
2. The Listed Building application was to regularise a construction which was already, at the time, almost complete.
3. On consultation the Conservation Officer wrote inter alia 'As I have already told the applicant, I do not consider that new windows on the front elevation of Ebberly Lawn are acceptable in principle as the roof is not sufficiently high satisfactorily to carry these without spoiling the overall appearance of the group of buildings. I accept that there are existing dormers and roof lights already in this elevation but I do not feel that these should be added to. This particular application is also unacceptable because the new windows are asymmetrically placed and have unbalanced sub-divisions both of which elements are quite at odds with the Georgian character of the building.

Although I feel that some dormers may be acceptable on the rear elevation because of its lesser importance and visibility, I do not consider that the one that is now being constructed falls into the acceptable category because of its extremely large size, flat roof and extraordinary slit windows. It has more the appearance of a defensive work than a domestic extension.'

4. When the application was brought before Committee it was refused for the following reasons :
 - (a) The proposed development involves alterations and extensions to a Grade II Listed building of architectural and historic interest which would, because of its size, massing and external appearance have a detrimental effect on the building.
 - (b) The site is designated as a Conservation Area and the proposal would conflict with the Local Planning Authority's intention to protect and enhance the appearance and character of such areas.
 - (c) Insufficient details have been provided to enable the Local Planning Authority to judge whether a sub-division of the premises had occurred.
 - (d) The proposal would create an undesirable precedent for alterations and extensions to other Listed Buildings in this visually important group.

For these reasons it is considered expedient that this enforcement notice should be issued.



ANNEXSTAINER
JF/SM

