

COMMITTEE REPORT

COMMITTEE: Planning and Economic Development

DATE: 24 July 2000

TITLE: To reconsider a proposed listed building enforcement case – 4 and 5 Llawr y Gors, Pwllheli

PURPOSE OF REPORT: To consider not taking enforcement action and to ask CADW to de-list the building

REPORT BY: Planning Manager

ACTION: The Committee is requested to accept the report

In 1992 a planning application and listed building application were granted to extend and improve listed buildings, namely 4 and 5 Llawr Gors, Pwllheli. Conditions on the permission included facing a dormer window with slate, retention of two chimney pots, installation of sash windows on the front of the building and that the windows were to be of wood.

The work was undertaken in 1994 and in the process an extensive part of the wall was demolished leaving one front wall and a gable end. The applicant and his architect alleged at the time that this was necessary to meet the requirements of building control.

The applicant submitted planning applications to regularise the situation and these were refused following a sub-committee visit in January 1995 and it was resolved that enforcement action be taken to enforce the installation of a sash window on the front elevation, rebuilding of the chimney and rendering of the gable end of the building, but that the rear be left as it had been built. In addition, it was resolved to prosecute in court as it was an offence to convert or change a listed building without permission or contrary to the permission granted.

The builder and owner were prosecuted in court [REDACTED] and they received a fine of [REDACTED]. At the time, the former Dwyfor District Council asked CADW to de-list these listed buildings as they had been damaged so much so that it would be almost impossible to restore them to their previous listed character. At the time, CADW were not prepared to consider de-listing until the prosecution and enforcement case had been completed.

The former council did not carry out the enforcement action and the building remains as it was altered in 1994. The period of 10 years to take action against the breach of conditions ends in 2004.

Since November 1999 regular correspondence has been received from CADW

asking the Council if it has executed the enforcement action and it was resolved to submit this report to the committee so that it can as the existing Council consider whether the enforcement action should be proceeded with or not.

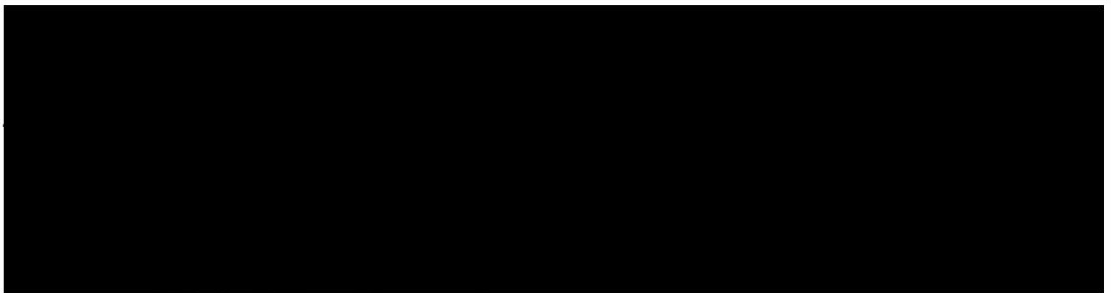
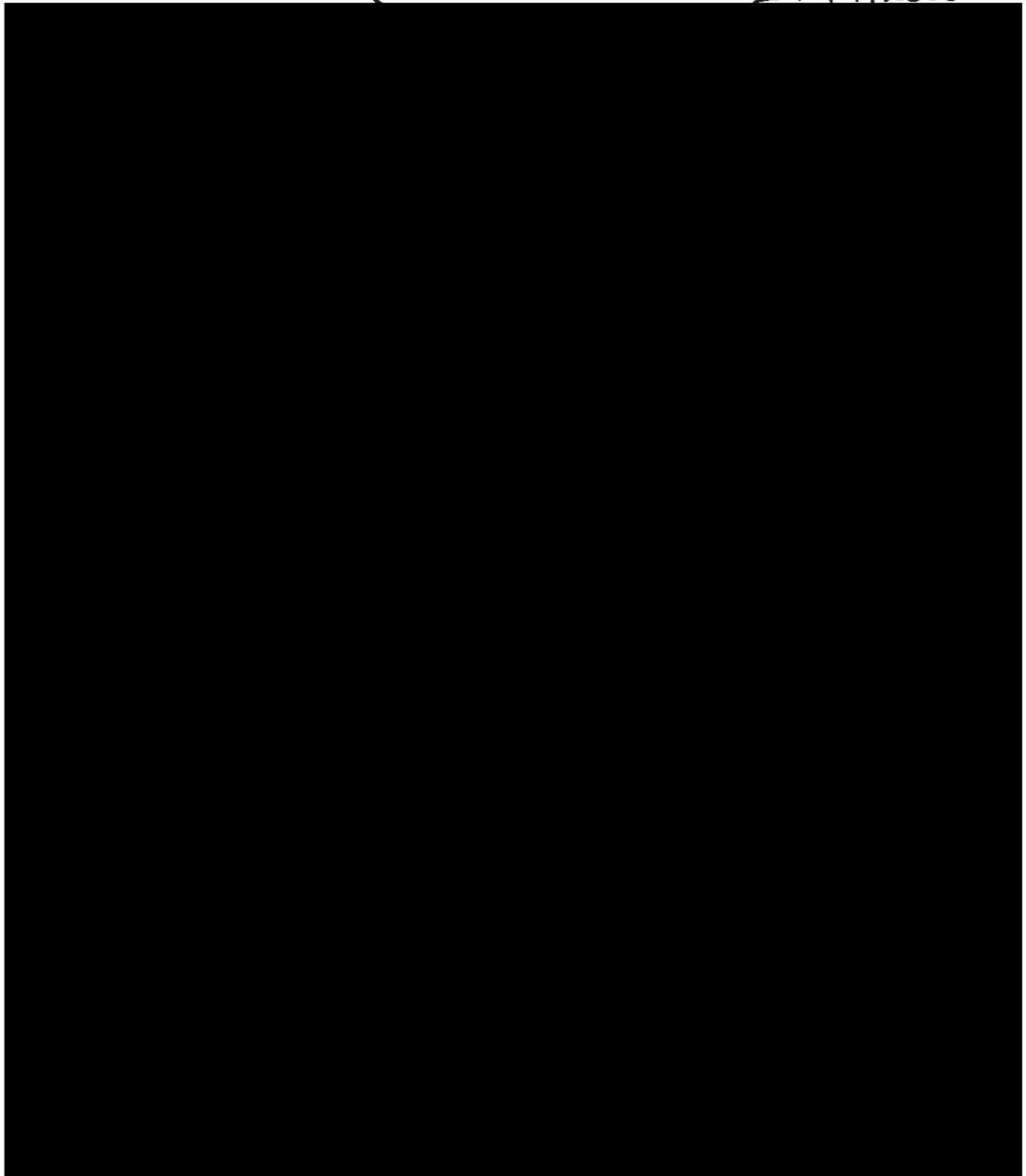
I believe that the committee has two options:

- a) • to execute an enforcement notice in accordance with the resolution of the former council
- b) not to take enforcement action and to ask CADW to de-list the buildings on the grounds that the work undertaken has destroyed the listed character of the buildings and that it cannot be restored and that the existing design of the building is acceptable within the conservation area.

It can be argued that the fine received by the builder and owner was a sufficient and substantial punishment for breaching the conditions and regulations of listed buildings and that there is nothing to gain by demolishing an extensive part of this property again in order to rebuild it with a chimney in the centre which will be a copy only of the previous building which was listed due to its value in a group.

Recommendation

Not to take enforcement action to seek to restore the building and to ask CADW to reconsider the listed status of 4 and 5 Llawr y Gors as a result of the demolition and substantial rebuilding undertaken to de-list it.



c) Reconsideration of proposed listed building enforcement case - 4 and 5 Llawr y Gors, Pwllheli

In 1992 a planning application and listed building application were granted to extend and improve listed buildings, namely 4 and 5 Llawr y Gors, Pwllheli. Conditions on the permission included facing a former dormer window with slate, retention of two chimney pots, installation of sash windows on the front of the building and that the windows were to be of wood. When the work was being undertaken in 1994, an extensive part of the building was demolished, leaving one front wall and a gable end, and it was alleged by

the applicant and his agent that this was necessary to meet the requirements of building control.

The applicant submitted planning applications to regularise the situation and these were refused in January 1995 when it was resolved to take enforcement action to enforce the installation of a sash window on the front elevation, to rebuild the chimney and render the gable end of the building, but to leave the rear as it had been built. Also, as it was an offence to convert or alter a listed building without consent, or contrary to permission granted, the builder and owner were prosecuted in Court in [REDACTED] and they received a fine of [REDACTED]

The former Dwyfor District Council asked CADW to de-list these listed buildings as they had been damaged so much that it would be almost impossible to restore them to their previous listed character, but CADW were not prepared to consider de-listing until the prosecution and enforcement case had been completed. The former Council did not carry out the enforcement action and the building remains as it was altered in 1994. Since November 1999 regular correspondence had been received from CADW asking the Council whether it has executed the enforcement action.

The committee had two options, either to execute the enforcement notice in accordance with the resolution of the former council, or not to take enforcement action and to ask CADW to de-list the buildings on the grounds that the work carried out have destroyed the listed character of the building. .

It was recommended not to take enforcement action to seek to restore the building and to ask CADW to reconsider the listed status of 4 and 5 Llawr y Gors as a result of the demolition and substantial rebuilding undertaken, and to de-list it.

