Planning Committee:05 February 2013 **Item Number: 10**

Application No:W12 / 1610LB

Registration Date:19/12/12
Town/Parish Council: Warwick **Expiry Date:**13/02/13
Case Officer: Liz Galloway
01926 456528Liz.galloway@warwickdc.gov.uk

15 St Nicholas Church Street, Warwick, CV34 4JD
Retention of re-painting of the front elevation FOR Mrs DeniseFowler

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This application is being presented to Committee in order to request that enforcement action be taken.

RECOMMENDATION

Planning Committee are recommended to refuse Listed Building Consent and authoriseappropriate enforcement action requiring the repainting of the front elevation of no. 15 St. Nicholas Church Street in an appropriate and approved heritage colour, with a compliance period of 3 months.

DETAILS OF THE DEVELOPMENT

The applicant seeks to retain the colour pink which has been painted onto the front elevation of the Listed Building.

THE SITE AND ITS LOCATION

The application property is a Grade II Listed Building situated within a Conservation Area and located to the East of St. Nicholas Church Street. Numbers 9 to 19 (odds) form a continuous range of 2 storey buildings, with number 13 being a Grade II* Listed Building.

PLANNING HISTORY

W97/954LB - Granted for the replacement of a rear flat roof with a pitched roof
W80/0576 - Granted for a rear dormer window
W80/1273 - Granted for a rear dormer window

RELEVANT POLICIES

- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objects on grounds of the colour pink is not acceptable and the colours preferred by the Local Planning Authority are off-white, cream and light greys.
8 public responses: Supports - No objection to the use of the colour pink; feels that the colour enhances the street; adds interest to the street; good to see someone taking care of their property and will be an attractive addition for visitors to the town.

Assessment

The main issues relevant to the consideration of this application are as follows:

- The impact on the Listed Building
- The impact on the Conservation Area

The impact on the Listed Building

It is considered that the colour detracts from the classical simplicity of the building, harming the special architectural and historic interest of the building and the character and appearance of the Conservation Area contrary to policies DP1, DAP4, DAP7 and DAP8 of the Local Plan.

By virtue of its location, the property is prominently viewed and the National Planning Policy Framework (paragraph 133) sets out that development causing substantial harm to heritage assets including Listed Buildings should be exceptional and should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh it. Local Plan Policy DAP4 states that development will not be permitted which adversely impacts upon the setting of a Listed Building. Policy DAP7 states (inter alia) that the painting of Listed Building will only be permitted using appropriate colours only and DAP8 requires development to reflect the setting of Conservation Areas

While recognising the need to maintain Grade II Listed Buildings, it is considered that the changes do not strike the right balance between those benefits and the need to preserve or enhance the historic environment. Furthermore, the Conservation Architect's response has indicated that a more muted colour, specifically light greys, beiges or off-white tones would be preferred.

Extensive contact has been made by the Enforcement Officer with the owner and the situation fully explained but the matter has not been resolved. The service of a Listed Building Enforcement Notice is now the only option available to require the restoration of the property with an appropriate heritage colour.

REFUSAL REASONS

1 Policy DAP4 of the Warwick District Local Plan 1996-2011 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting. Policy DAP7 states that alterations to Listed Buildings will only be permitted using (inter alia) appropriate colours. Furthermore, policy DAP 8 of the Warwick District Local Plan 1996-2011 requires that development preserves or enhances the

special architectural and historic interest and appearance of the Districts Conservation Areas.

The proposal relates to a Listed Building within a Conservation Area. The use of bright colours is not characterisitic within Warwick District and in the opinion of the Local Planning Authority t is considered that the repainting of the front elevation in pink is seriously detrimental to the character and appearance of both the Listed Building itself and the Conservation Area as a whole, by reason of the use of an inappropriate colour on the prominent front elevation of the Listed Building.

The development is thereby considered to be contrary to the aforementioned policies.