

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 (AS AMENDED) ("The Act")

LISTED BUILDING ENFORCEMENT NOTICE

Issued by: **EXETER CITY COUNCIL (the Council)** being the Local Planning Authority for the purposes of the Act in which the Listed Building described in paragraph 2 is situate.

Please Note: The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

1. THIS IS FORMAL NOTICE which is issued by the Council because it appears to them that there has been a contravention of section 9(1) of The Act, with regard to works that have been executed to the building. The Council considered expedient to issue this notice, having regard to the effect of the works on the character of the building as one of special architectural or historic interest.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at 4 Oxford Road, Exeter, EX4 6QU, shown edged red on the attached plan ("the building").

3. THE ALLEGED CONTRAVENTIONS

It appears to the Council that the following works ("the "Unauthorised Works") listed below involve contravention of section 9(1) of The Act in that they are for alteration of the building in a manner which would affect its character as a building of historic architectural or historic interest and have not been authorised pursuant to section 8 of The Act as no listed building consent has been granted in respect thereof.

1. Removal of all existing windows and replacement with new ones;
2. Removal of almost all original joinery;
3. Removal of internal walls at second floor and new walls constructed;
4. Removal of plaster cornices from ground and first floor rooms;
5. Removal of lath and plaster walls and ceilings, and replacement with plaster board;
6. Removal of the two, iron, first floor balconies;
7. Removal of the iron fireplace (from the 2nd floor, (rear) 3rd bedroom);
8. Removal of the front boundary wall and garden area

4. WHAT YOU ARE REQUIRED TO DO

You must comply with the specifications of the repair replacement or restoration works detailed below in respect of each unauthorised works listed above;

- a) The two, iron, first floor balconies - Prior to restoration works being carried out, the two, iron, first floor balconies must be assessed by a reputable company/ specialist who carries out iron restoration work. The outcome of the assessment and details of the proposal for its restoration, along with a timetable for the reinstatement of the balconies from the specialist, should be submitted to the Local Planning Authority for approval in writing.
- b) The iron fireplace - Found in the back yard, from the 2nd floor, (rear) 3rd bedroom. This should be reinstated.
- c) Remains of the porch – were observed in the back yard. The remains should be retained in order to inform the production of an accurate replica for reinstatement in due course.
- d) The front boundary wall needs to be reinstated with the original bricks which are stored at the front of the property, in the same brick pattern and height that it was originally built, and the landscaped front garden area must be reinstated.


5. TIME FOR COMPLIANCE

The period for compliance with the steps set out in paragraph 4 above is 2 weeks from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 20th September 2019, unless an appeal is made against it beforehand.

Dated: 22nd August 2019

Signed: 

Andy Robbins

on behalf of Exeter City Council, Civic Centre, Paris Street, EXETER, EX1 1JN

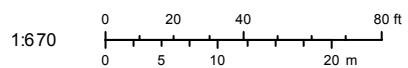
Nominated officer: Zulema Nakata

Telephone number: 01392265186

4 Oxford Road



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ANNEX

EXETER CITY COUNCIL has issued a Listed Building Enforcement Notice relating to land at [ADDRESS OF LAND] and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed below:

Persons served with a copy of this enforcement notice are as follows:

Adam Ives, 4 Oxford Road, Exeter, EX4 6QU
Adam Ives, 40 Abingdon Road, Dorchester on Thames, OX10 7JZ, Oxon
Keith Ives, 40 Abingdon Road, Dorchester on Thames, OX10 7JZ, Oxon

YOUR RIGHT OF APPEAL

You have a right of appeal against this Listed Building Enforcement Notice, under section 39 of The Act. The effect of an appeal is to suspend the Listed Building Enforcement Notice pending the determination by the Secretary of State. An appeal must be made before the notice takes effect.

NOTE: This does not prevent the Council from prosecuting you for the unauthorised works in the meantime under s.9 of The Act.

Under section 39 of The Act you may appeal on one or more of the following grounds that:

- (1) A person having an interest in the building to which a Listed Building Enforcement Notice relates or a relevant occupier may appeal to the Secretary of State against the notice on any of the following grounds:-
 - (a) that the building is not of special architectural or historic interest;
 - (b) the matters alleged to constitute a contravention of Section 9(1) or (2) have not occurred;
 - (c) that those matters (if they occurred) do not constitute such a contravention;
 - (d) that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building, that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by the works of repair or works for affording temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary;
 - (e) that listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted;
 - (f) that copies of the notice were not served as required by Section 38(4);
 - (g) except in relation to such a requirement as is mentioned in Section 38(2)(b) or (c), that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out;

- (h) that the period specified in the notice as the period within which any step required by the notice is to be taken falls short of what should reasonably be allowed;
- (i) that the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve that purpose;
- (j) that steps required to be taken by virtue of Section 38(2)(b) exceed what is necessary to alleviate the effect of the works executed to the building;
- (k) that steps required to be taken by virtue of Section 38(2)(c) exceed what is necessary to bring the building to the state in which it would have been if the terms and conditions of the listed building consent had been complied with.

Not all of these grounds may be relevant to you.

Information on how to make an appeal can be found at <https://www.gov.uk/government/publications/listed-building-enforcement-notice-appeals-how-to-complete-your-appeal-form>

And at

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/788167/eHow To - L B Enf version 11.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/788167/eHow_To_-_L_B_Enf_version_11.pdf)

If you want to appeal against this enforcement notice you need to submit a copy of the enforcement notice a copy of your appeal and a plan and other documents in support of your appeal. You can do this:

- Online at the Planning Casework Service area of the Planning Portal (<https://www.gov.uk/appeal-enforcement-notice>); or
- By post to The Planning Inspectorate, Room 4a, Temple Quay House, 2 The Square BRISTOL BS1 6PN.

You MUST make sure that the Planning Inspectorate receives your appeal before the effective date on the enforcement notice.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, the enforcement notice 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, are taken within the period specified in paragraph 6 of the notice.

FAILURE TO COMPLY with a Listed Building Enforcement Notice which has taken effect can result in prosecution under s43 of The Act and/or remedial action and a claim for the costs of the works by the Council under s42 of The Act.