

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**THE PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990
(as amended by the Planning and Compensation Act 1991)**

LISTED BUILDING ENFORCEMENT NOTICE

ISSUED BY: Oldham Metropolitan Borough Council ("the Council")

1. **THIS NOTICE** is issued by the Council under Section 38(1) of the above Act because it appears to them that unauthorised works have been carried out to a listed building at the land described below contrary to Sections 7 and 9(1) of the Act.

The Council consider that it is expedient to issue this notice, having considered the effect of the works on the character of the building as one 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 TO WHICH THE NOTICE RELATES**

Land and property at 19 Queens Road, Oldham OL8 2AX as shown edged red on the accompanying plan ("the land")

- 3 **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Unauthorised works have been carried out at 19 Queens Road, which is a Grade II Listed Building situated within the Alexandra Park Conservation Area, and forms part of the listed Shakespeare Terrace of houses built in 1870.

The works consist of:

1. **Ground Floor Bay Window Openings to Front**

- The removal of three boxed double hung sliding sash timber single glazed windows with weights and cords and related internal panelling and linings in the ground floor bay window openings to the front of the property.
- The installation of three uPVC casement double glazed window frames and glazing units in the ground floor bay window openings to the front of the property.

2. **First Floor Window Openings to Front**



- The removal of two casement timber single glazed windows in the first floor window openings to the front of the property.
- The installation of two uPVC casement double glazed window frames and glazing units in the first floor window openings to the front of the property.

3. Dormer Window Openings to Front

- The removal of two casement timber single glazed windows in the two roof dormer openings to the front of the property.
- The installation of two uPVC casement double glazed window frames and glazing units in the dormer openings to the front of the property.
- The external uPVC overcladding to the fascia boards and front and side elevations of the two dormers in the front elevation of the property.

4. First Floor Window Opening to Rear (Bathroom)

- The removal of one boxed double hung sliding sash timber single glazed window with weights and cords in the first floor window opening to the rear of the property.
- The reduction in height of the first floor window opening to the rear of the property.
- The installation of a straight head detail of one window opening to the first floor rear of the property;
- The installation of one uPVC double glazed window frame and glazing unit in the first floor window opening to the rear of the property.

all without the benefit of Listed Building Consent.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the unauthorised works which were carried out without the benefit of Listed Building Consent, are in contravention of Section 7 and 9(1) of the Act.

The sliding sash windows and timber framed windows in place prior to November 2010 were appropriate to the character of the 19th century property. The removal of the sash windows; the overcladding of the timber fascia boards on the dormers and the alteration of the window openings constitutes a loss of historic fabric and thus harm to the character of the building as being of special architectural and historic interest in a national context.

The replacement of the windows with uPVC double glazed units and uPVC cladding of the dormers introduces design and methods of construction which do not relate to the age and character of the building, and is further harmful to the character of the building.

The horizontal head detail introduced to the window opening on the rear elevation has resulted in the removal of a brick arch which reflected the remaining openings to the first floor at the rear of the property and contributed to the special architectural interest of the property. The straight head detail has reduced the height of the opening and is visually intrusive, detrimentally affecting the proportions of this opening in a way which does not reflect the remaining openings and age or character of the building.

The alterations to the window openings in the front and rear elevations of the Grade II Listed Building adversely affects the character and special architectural and historic interest of the Listed Building. The development is therefore contrary to Policy C1.8 of the Adopted Oldham Metropolitan Borough Unitary Development Plan.

5. WHAT YOU ARE REQUIRED TO DO

1. Ground Floor Bay Window Openings to Front

Remove, to avoid damage to the stone or brick surrounds, the three brown finish uPVC window frames with double glazed units and sealant to the ground floor bay window openings to the front of the property.

Remove, to avoid damage to the building fabric, the white uPVC window boards, surrounds and cladding installed within the property in association with the window replacement works.

Replace the window frames to the three openings at the ground floor front elevation with boxed double hung sliding sash single glazed timber windows with weights and cords in preservative treated softwood. The design, profile, measurements and positioning of the frames, including sash horns to match, to be the same as to those shown in Photograph 1, of No 17, and Photograph 2, of both No's 17 & 19, which have the same window construction detail. Photograph 1 is included to help clarify the detail. The glazing to be single glazed and externally leaded to match the pattern in Photograph 2. The leaded feature detail on each of the upper panes shall match the previous window detail in Photograph 3.

Reinstate the timber window boards and cladding to the internal face and recess of the replacement windows with softwood boards or cladding.

Paint all replacement window frames and exposed timber with priming paint, undercoat and two coats of oil based top coat in white.

1. First Floor Window Openings to Front

Remove, to avoid damage to the stone or brick surrounds, the double glazed units and two brown finish uPVC window frames and sealant in the first floor

window openings to the front of the property.

Remove, to avoid damage to the building fabric, the white uPVC window boards, surrounds and cladding installed within the property in association with the window replacement works.

Replace the window frames to the two openings at first floor of the front elevation with preservative treated softwood frames constructed with top hung casements with transom situated at the midpoint. The design, profile, measurements and positioning of the frames shall be the same as the replaced first floor windows shown in Photograph 2. The glazing to be single glazed.

Reinstate the timber window boards and cladding to the internal face of the replacement windows with softwood boards or cladding.

Paint all replacement window frames and exposed timber with priming paint, undercoat and two coats of oil based top coat in white.

2. Dormer Window Openings to Front

Remove, to avoid damage to the surrounds, the two double glazed units and brown finish uPVC window frames and sealant in the dormer window openings to the front of the property.

Remove, to avoid damage to the building fabric, the white uPVC window boards and any cladding installed within the property in association with the window replacement works.

Remove, to avoid damage to the timber framing and decorative elements, all uPVC cladding attached to the two dormers to the front elevation. Undertake any timber repairs/ replacements necessary to return the dormers to their original appearance as shown in photographs 4 & 5.

Replace the window frames to the two dormer openings with preservative treated softwood frames constructed with top hung casements. The glazing to be single glazed.

Reinstate the timber window boards and cladding to the internal face of the replacement windows with softwood boards or cladding.

Paint all replacement window frames and exposed timber with priming paint, undercoat and two coats of oil based top coat in white.

3. First Floor Window Opening to Rear

Remove, to avoid damage to the stone or brick surrounds, the double glazed unit and brown finish uPVC window frame and sealant in the first floor window opening to the rear elevation of the property.

Take down by hand the straight brickwork head detail installed during November 2010 to the first floor window opening to the rear. The amount of demolition shall be restricted to that necessary to allow its reconstruction in such a way as to reflect its appearance prior to November 2010 and all original brickwork shall be cleaned and saved.

Rebuild brick arch head detail to rear first floor window to match original design. The reconstruction should return the window opening to its original height to match the remainder of openings at first floor, as shown in photograph 6. Brickwork and pointing specification and colour to match the existing.

Reinstall the original opening sashes, or exact matching sashes, within a boxed frame with weights and cords to the rear elevation first floor – design, materials and positioning of frame to match those depicted in photograph 6. The windows shall be leaded externally to match the pattern on the other first floor windows on the rear elevation as shown in Photograph 6. The lower half of the sash window may be glazed in frosted glass.

Paint all replacement window frames and exposed timber with priming paint, undercoat and two coats of oil based top coat in white.

6. TIME FOR COMPLIANCE

The actions specified in 5 above must be carried out within 6 months from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

The Notice takes effect on 12th May 2011, unless an appeal is made against it beforehand.

Dated: 8/4/11

Signed:

**For Paul Entwistle
Borough Solicitor
Council's authorised Officer**

On behalf of: Oldham Metropolitan Borough Council
Civic Centre
West Street
Oldham
OL1 1UL

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 the notice.

WHAT HAPPENS IF YOU DO NOT APPEAL

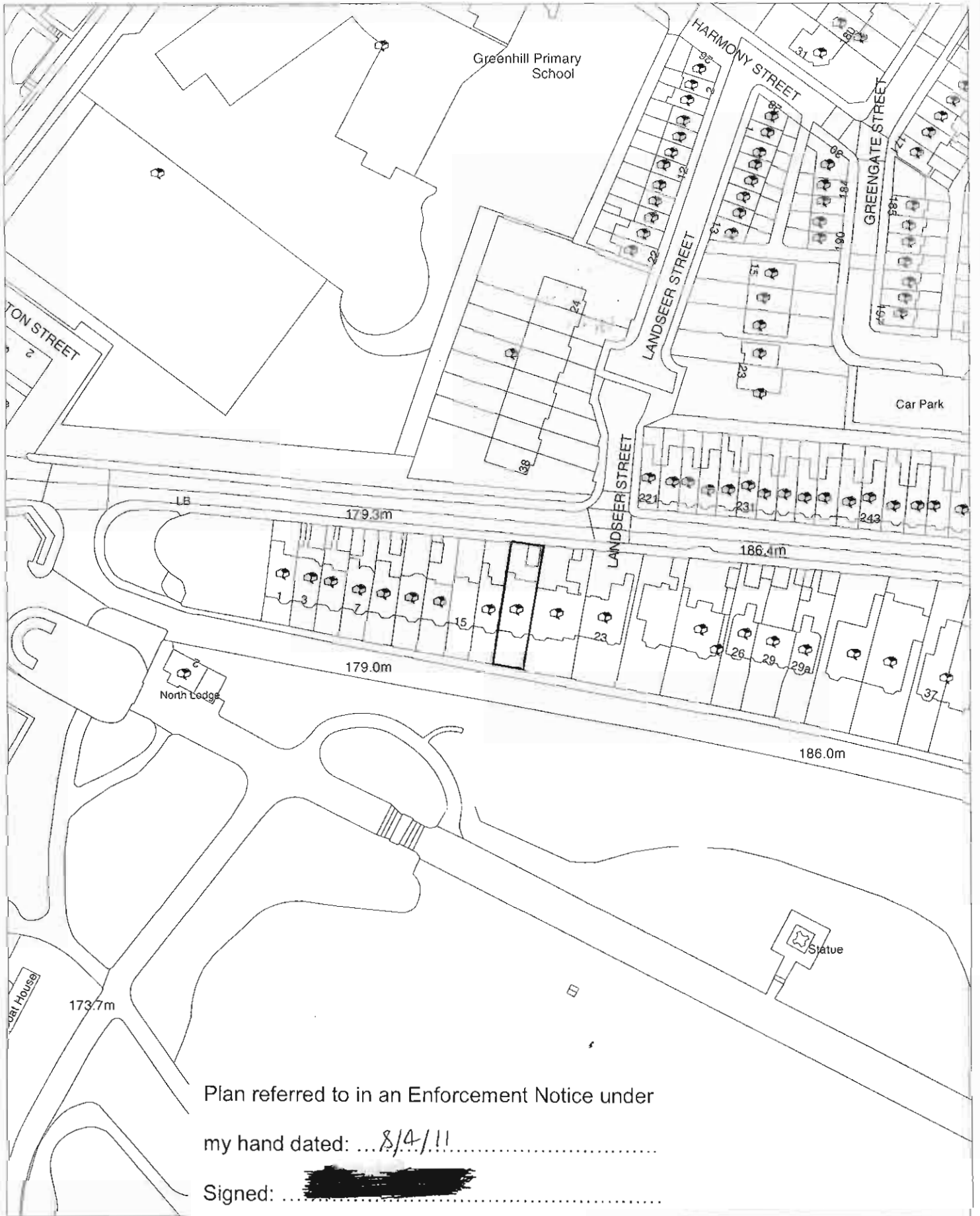
If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of this notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

IMPORTANT ADDITIONAL INFORMATION

The fee for the deemed planning permission application is zero. There is no fee for the appeal itself.

A copy of this Enforcement Notice has been served on the following persons: -

Mr Abdul Wahid



Plan referred to in an Enforcement Notice under
 my hand dated: ... 8/4/11

Signed: [Redacted Signature]





03/02/2011 11:23

PHOTO NO 1

PHOTO NO 2

← NO 19 →



PHOTO NO 3



PHOTO N° 4

← N° 17 →

← N° 19 →



10. 20



№ 17

№ 19

PHOTO № 5

PHOTO NO 6



03/02/2011 11:27