

**IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**KETTERING BOROUGH COUNCIL**

**ENFORCEMENT NOTICE**

**TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning and Compensation Act 1991)**

ISSUED BY: KETTERING BOROUGH COUNCIL

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the Development Plan and to other material planning considerations.

2. THE LAND AFFECTED

Land situated at Rothwell House Hotel, 12a Bridge Street, Rothwell in the County of Northamptonshire, as is shown for the purposes of identification only on the attached plan and edged in red.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission; the provision of a patio area and associated works in the approximate position edged in green on the attached plan, and as shown in the photographs attached to the Notice marked A to C. (The appearance of the site prior to the unauthorised works being carried out is shown in photographs D and E). The unauthorised development comprises:- an increase in height of brick walls to between 1.17 and 1.45 metres and faced in new coloured render; additional obscure glazed screens on top of the walls giving a maximum height of between 2.17 to 2.65 metres measured from external ground level; the lowering of the enclosed land level and the provision of a hard surface of block pavements; and together with the installation of two large covering umbrellas containing integral heating and lighting, both fixed and bolted into the ground.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the breach of planning control has occurred within the last four years. The operational development was substantially completed

less than four years ago. The increase in height of the walls and addition of obscure glazed screens has had a seriously detrimental impact upon the character, appearance, and historic and architectural value of the principal listed building, resulting from the concealment of the lower part of its otherwise prominent front elevation when viewed from Bridge Street. This concealment is made worse by the installation of the large covering umbrellas.

Taken as a whole, the finished patio in modern block pavements, higher walls finished in render, and obscure glazed screens and umbrellas have resulted in an overbearing and incongruous modern addition which is out of scale with its surroundings and unjustly dominates the front of the listed building, and which is constructed in materials which do not relate well to the traditional materials of the listed building. Consequently, the unauthorised development seriously detracts from the setting, appearance and architectural and historic interest of the listed building and impacts harshly upon the character and appearance of the Rothwell Conservation Area.

As such, the development conflicts with the aims and objectives of national policy advice contained within PPG 15 and the following policies of the Development Plan:-

Policy AR6 (Environmental Assets and Natural Resources: Cultural Heritage) of the Northamptonshire County Structure Plan states that development proposals affecting the character, appearance or setting of conservation areas and/or the architectural or historic interest of listed buildings or their settings, will be required to demonstrate that such assets will be conserved and, where appropriate, enhanced.

Policy GS5 (Design) of the Northamptonshire County Council Structure Plan states that in order to promote high quality design and sustainable development, all proposals will have regard to the visual appearance of the development in the context of the defining characteristics of the local area.

Policy 22 (Environment: Development in Conservation Areas) of the Local Plan for Kettering Borough seeks to ensure that development within Conservation Areas is sympathetically designed to reflect the statutory duty of preserving or enhancing the character and appearance of those areas.

Policy 24 (Environment: Listed Buildings) of the Local Plan for Kettering Borough, inter alia, reflects the statutory duty of the local planning authority to secure a form and quality of development in keeping with the external appearance, the character, historic interest and the setting of the listed buildings.

Policy 30 (Environment: New Development) of the Local Plan for Kettering Borough states that proposals for development, including changes of use, will be granted planning permission where the character of the development is appropriate in terms of type and scale, and there is no adverse impact on the character of the area or on the amenity of existing or proposed nearby property.

5. WHAT YOU ARE REQUIRED TO DO

The steps required to remedy the breach of planning control for the purposes of remedying the injury to amenity are:-

- (1) Take down the obscure glazed screens and their supporting framework and permanently remove them from the site.

Time for compliance: 3 months from the date this Notice takes effect.

- (2) Using small hand-held tools, and not power tools or sledge hammers, take down the curtilage walls and separate and store on site all original bricks for inspection by the Local Planning Authority. Remove all new bricks and other debris arising from the demolition of the walls from the site

Time for compliance: 3 months from the date this Notice takes effect.

- (3) Take up the block pavements, and the umbrellas together with their fixings and mountings and permanently remove them from the site.

Time for compliance: 3 months from the date this Notice takes effect.

- (4) Following the Local Planning Authority's inspection of the stored original bricks in compliance with step (2) above, reconstruct the curtilage walls to their former height with re-useable stored original bricks, making up any shortfall using matching reclaimed red brick, and finish the top of the walls with stone copings. The re-construction of the walls shall be in Flemish bond using an hydraulic lime mortar, and their finished appearance shall match as closely as possible their original appearance as shown in the photographs H and J attached to this Notice.

Time for compliance: 4 months from the date this Notice takes effect.

- (5) Re-surface the enclosed patio area with natural York stone slabs

Time for compliance: 4 months from the date this Notice takes effect.

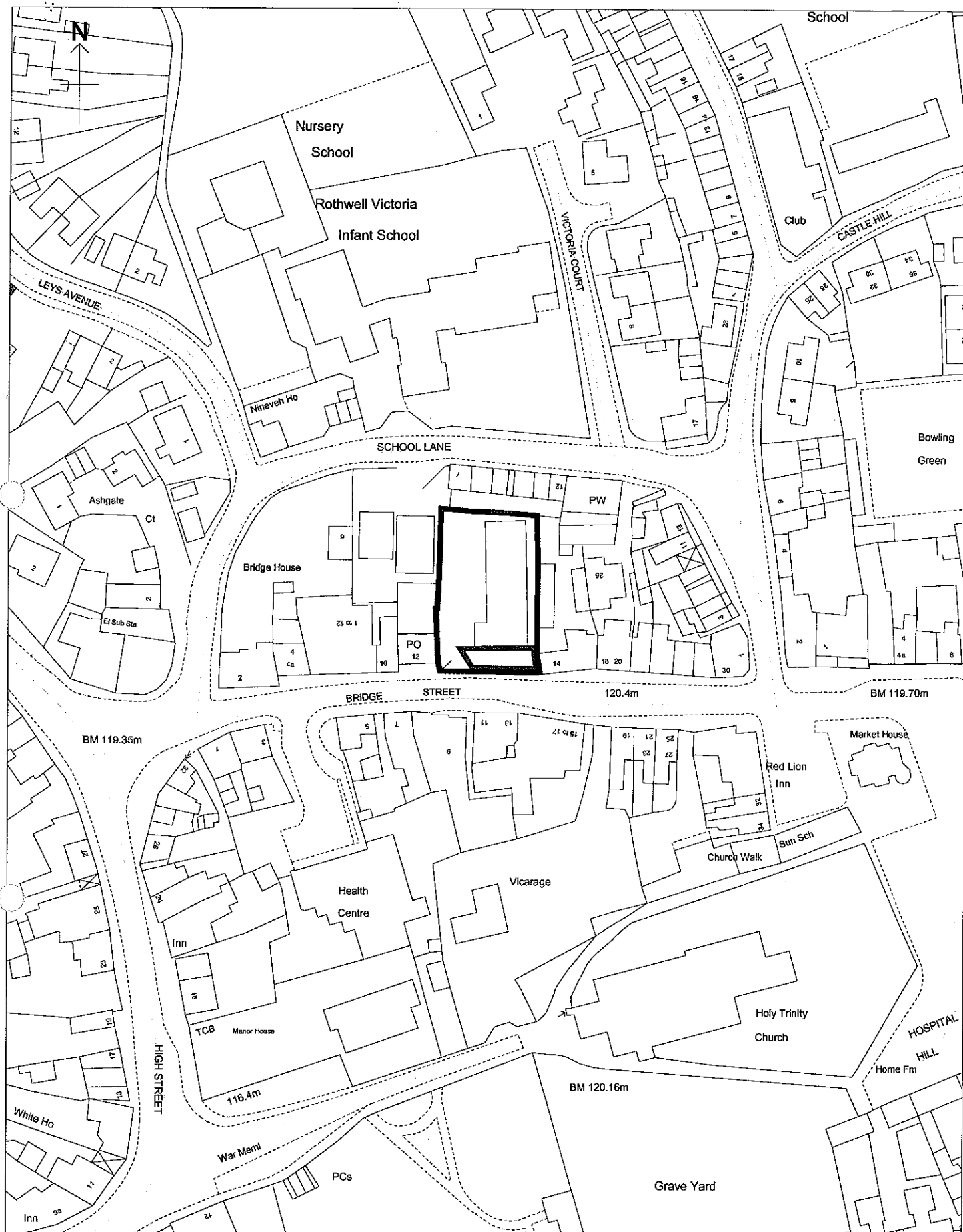
6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 17 January 2007 unless an appeal is made against it beforehand.

DATED: 05.12.06

Signed: 

Head of Development Services  
Kettering Borough Council  
Municipal Offices  
Bowling Green Road  
KETTERING  
Northants NN15 7QX



Title

ENFO/2006/00287

Date: 30:11:06

Scale: 1:1250

Drawn by: HGW

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**Kettering**  
Borough Council

## ANNEX

### YOUR RIGHT OF APPEAL

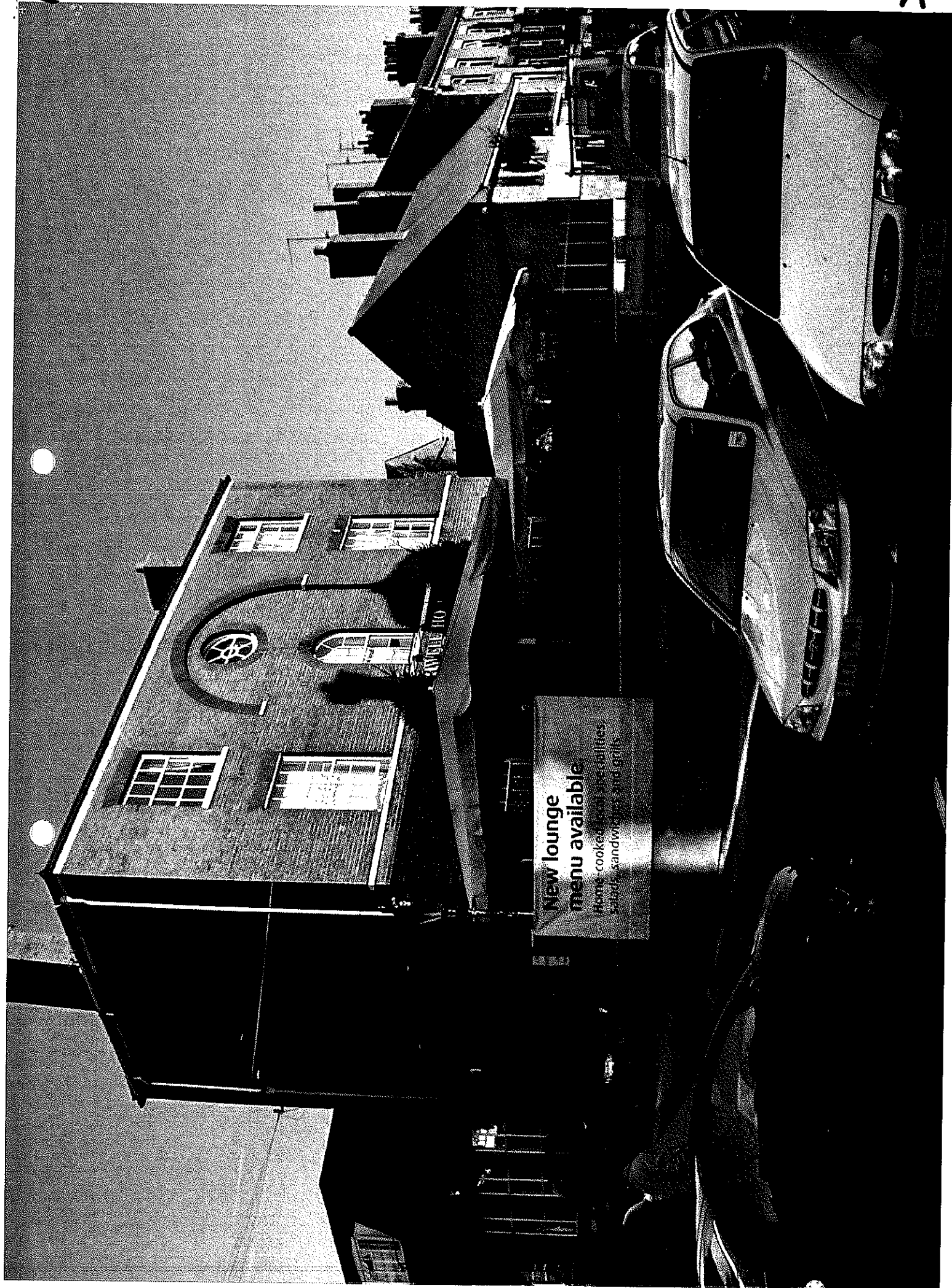
You can appeal against this Notice but any appeal must be received, or posted in time to be received, by the Secretary of State before **17 January 2007**. The enclosed booklet "Enforcement Notice Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this Enforcement Notice which is enclosed.

### WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 17 January 2007 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 the Notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

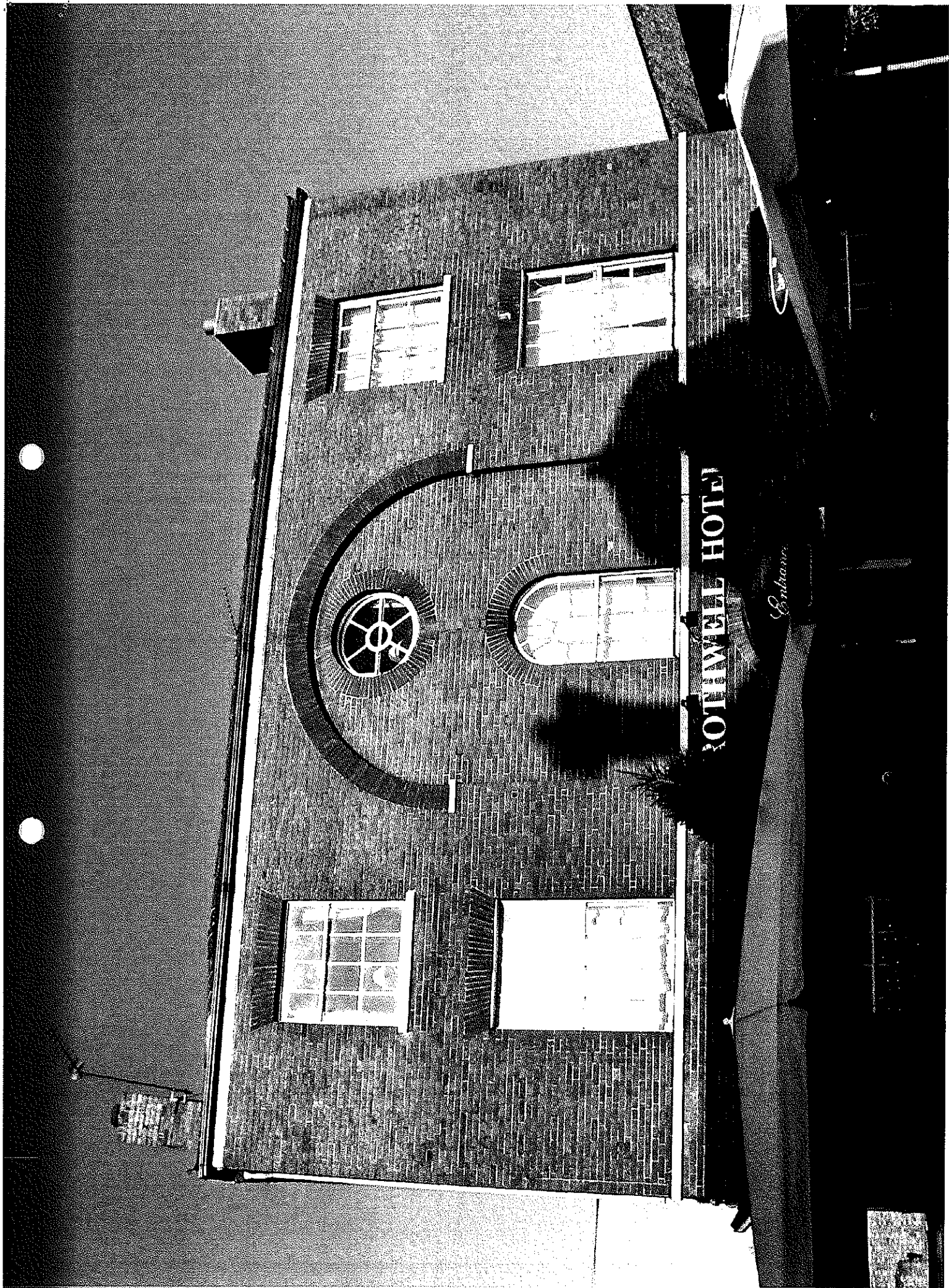
A

A



B

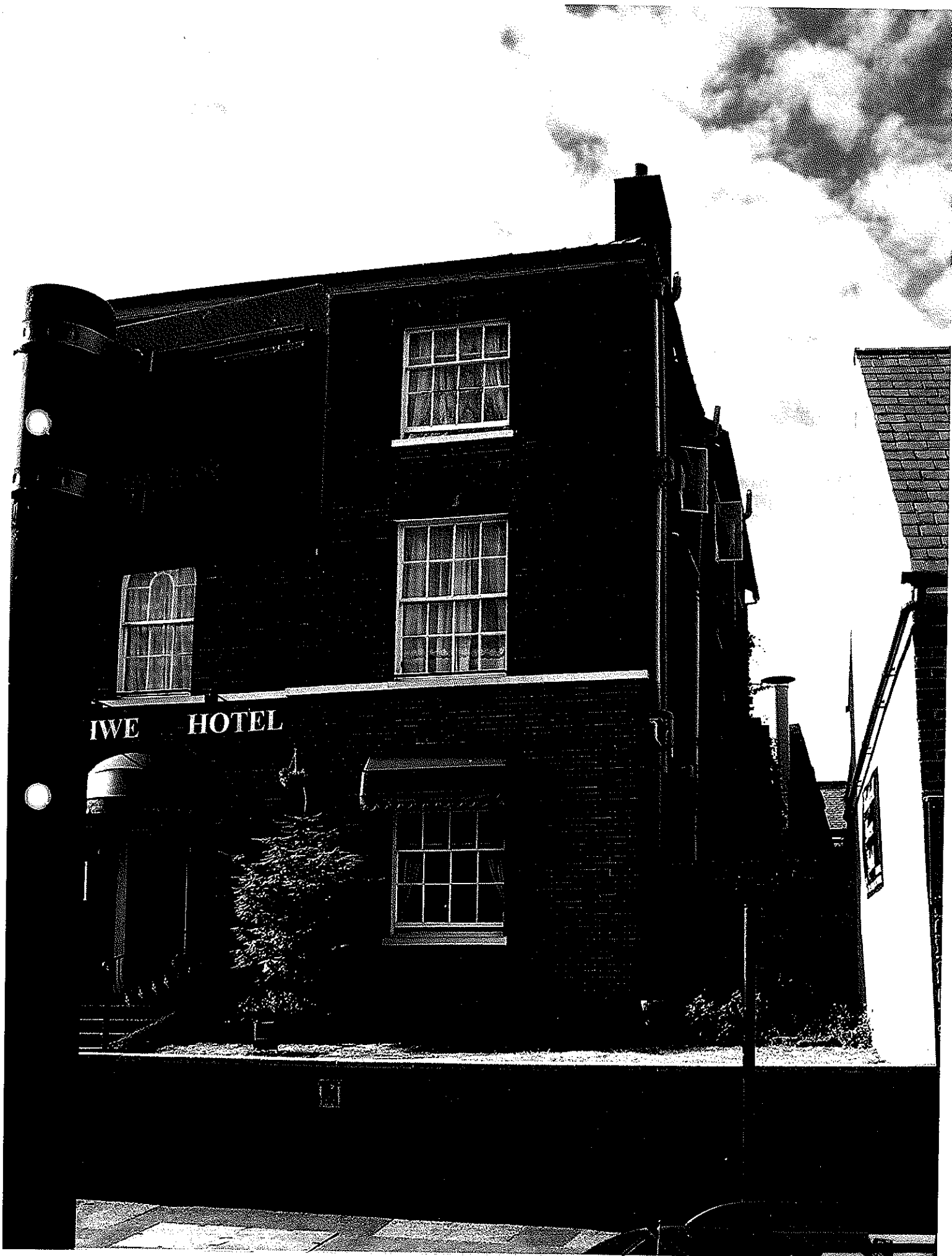
B







E



M