

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY
PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990,
SECTION 38

LISTED BUILDING ENFORCEMENT NOTICE

ISSUED BY: EASTBOURNE BOROUGH COUNCIL (“the Council”)

1. The Council is the local planning authority for the purposes of the Planning (Listed buildings and Conservation Areas) Act 1990 (“the Act”) in relation to **27 Cavendish Place, Eastbourne BN21 3JB** (“the Building”) shown edged with a red line on the attached plan for identification purposes only.
2. This Building is included within a list of buildings of special architectural or historic interests compiled or approved by the Secretary of State under section 1 of the Act.
3. This Notice is issued by the Council because it appears to them that works specified in section 4 of this Notice have been executed to the Building. It appears to the Council that the works specified in section 4 are such as to constitute a contravention of Section 9(1) of the Act. The Annex at the end of the Notice and the enclosure to which it refers contain important additional information.

4. **BREACH OF THE LISTED BUILDING ACT**

Without listed building consent, the removal of traditionally detailed and rebated single glazed timber sliding sash windows and the replacement of UPVC double glazed windows into a Grade II listed building (“the Works”)

5. **REASONS FOR ISSUING THIS NOTICE**

The Council considers that it is expedient to issue the Notice having regard to the effect of the Works on the character of the Building as one of special architectural or historic interest and included on the Statutory List of Buildings of Special Architectural or Historic Interest (Grade II).

The UPVC windows, by reason of their materials and design, are harmful to the special architectural character of the Building in which they have been installed, the setting of listed buildings in the terrace to which the site forms part and the character and appearance of the Town Centre and Seafront Conservation Area in which they are located. The development therefore disrupts the cohesion in the fenestration of the terrace, introducing an unsympathetic material that fails to preserve the significance of the designated heritage assets, contrary to saved policies UHT1 (Design of New Development), UHT4 (Visual Amenity), UHT15 (Protection of Conservation

Area) and UHT17 (Protection of Listed Buildings), policies D10 (Historic Environment), B2 (Creating Sustainable Development) and D10a (Design) of the Eastbourne Core Strategy 2013 and paragraphs 130 and 197 of the NPPF.

The Local Planning Authority considers that listed building consent should not be given, for alterations to a listed building unless the works preserve the inherent character of the listed building retaining its special architectural features and historic interest in line with saved policy UHT17 (Protection of Listed Buildings), of the Eastbourne Borough Plan and that planning conditions could not overcome these objections to the development.

The Council considers that listed building consent should not be granted for the Works.

6. WHAT YOU ARE REQUIRED TO DO

Pursuant to the provisions of section 38 of the Act the Council requires you to:

- (i) Remove the UPVC windows and frames
- (ii) Replace the windows with traditional timber windows of the kind characteristic of the terrace.
- (iii) No works shall commence on site until details of all new external windows have been submitted to and approved in writing by the Local Planning Authority.
- (iv) Make good surrounding fabric, where required, on a like for like basis.

7. TIME FOR COMPLIANCE

Nine months after this Notice takes effect.

8. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect, subject to sections 39(3) and 65(3)A of the Act, on 17th November 2023

Dated: 5th October 2023

Signed:

on behalf of Eastbourne Borough Council

Nominated officer: Simon Cullen Telephone number: 01323 415385