

Appeal Decision

Site visit made on 23 May 2017

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 June 2017

Appeal Ref: APP/Z2830/F/16/3157041

Premises known as Home Farm, Bulls Lane and 1 Richmond Street, Kings Sutton OX17 3RS

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Richard Harper against a listed building enforcement notice issued by South Northants District Council.
 - The enforcement notice was issued on 15 June 2016.
 - The contravention of listed building control alleged in the notice is the insertion of a door at the ground floor front of the building and the replacement of windows with double glazed, varnished wood framed windows.
 - The requirements of the notice are 1. Carefully remove the doors and framing inserted in the ground floor, front elevation of the building which form an additional entry to the kitchen area, including all fixings; 2. Reinstall the internal and external walls at this opening so that they replicate that which went before the unauthorised works, using materials including type and colour of stone and mortar, the manner of its cutting and coursing, and methods that exactly match that surrounding part of the building both inside and out; 3. Remove the unauthorised windows, and replace them with those that were removed or that replicate in terms of materials, design including glazing, and colouring those which were removed without consent, making good any damage with materials and methods that exactly match that surrounding part of the building; and 4. Remove from the land all debris arising from these works.
 - The period for compliance with the requirements is 12 calendar months.
 - The appeal is made on the grounds set out in section 39(1)(c), (e) and (g) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The appeal is allowed, the listed building enforcement notice is quashed, and listed building consent is granted for the insertion of a door at the ground floor front of the building and the replacement of windows with double glazed, varnished wood framed windows at Premises known as Home Farm, Bulls Lane and 1 Richmond Street, Kings Sutton, subject to the following condition:

1. The door and windows shall remain painted at all times and the colour of the paint shall be that which prevailed on 23 May 2017.

Reasons

The ground (c) appeal

2. The insertion of a doorway, even if it was the reinstatement of a doorway or window, and the replacement of painted window frames with varnished frames, which were in place on the date of issue of the enforcement notice, has clearly affected the character of the listed building. The ground (c) appeal thus fails.

The ground (e) appeal

3. The main issue in the ground (e) appeal is the effect of the insertion of the doorway and the replacement of the windows on the architectural and historic interest of the listed building and on the character and appearance of the Kings Sutton Conservation Area (KSCA) within which the building is situated.

4. The two storey listed building is a former farmhouse that originated in 1683 but was altered in the 19th century. It has a U-plan, is constructed in uncoursed limestone under a slate roof, has brick chimney stacks and other architectural features such as dentil moulds over some windows. The building has many windows some with metal window frames and some with timber window frames. None of the windows are likely to be original, including a bay window to the right of the front door to the dwelling.

5. The wide front door, which is in the central section of the dwelling close to the right hand return, has a fanlight over and a first floor window above. To the left of the door is a ground floor window to the left of the first floor window are two further windows, and in the left return is a ground floor window. The four windows and the window in the left return, and another window on a rear elevation, are the subjects of the enforcement notice. In addition, and also a subject of the notice, is a pair of doors that has been inserted in the front elevation of the central section to the left of the ground floor window.

6. The windows and the doors are double glazed, the windows have framing sections slightly larger than the frames of the windows that they replaced and, at the time of issue of the notice, the doors and windows were stained rather than painted to match other windows in the building. These factors, and the insertion of the doors, are the principal concerns of the local planning authority.

7. A significant consideration in this case is the variety of style, material, form and pattern of the windows on all elevations of the listed building. The variety reflects the age of the building and the changes in ownership and circumstances over a period of 334 years. The changes contribute to the architectural and historic interest of the listed building and the variety of fenestration on the building contributes to the character and appearance of the KSCA. In this regard the elevation of the central section and the gable end of the right return are the principal elevations of the building in the view along Whitall Street on the approach to its junction with Bulls Lane and Richmond Street.

8. Whilst the variety of fenestration is of interest and is characterful there is a consistency of fenestration on each principal elevation of the building, particularly those facing the road junction. The gable end of the prominent right return of the building retains metal frames in five mullioned windows with stone surrounds and with, in four cases, dentil moulds above. In contrast the windows in the central section, facing in the same direction but set back from the road, were timber in plain openings with timber lintels. The difference in the fenestration of the two elevations is another indication of the history of the building.

9. The replacement windows in the central section and the left return are in the same material as previously; timber. The frame sections are wider than previously and are consistent in size, whereas the previous windows had distinct opening lights with frames wider than those of fixed lights. The changes in frame section and the subtle change in style reflect the desire of the current owner of the

property and do not undermine the historic interest or character of building. The important factor, in this regard, is the consistency of detailing across the windows.

10. Photographic and other evidence indicates that there was previously an opening where the doors have been inserted. The blocking up of the opening and the insertion of the new opening again reflects the changing ownership and circumstances of the property. The doors have wide frames and are a new feature on the elevation but it is not symmetrical and they add interest to the elevation in the same way that the bay window on the right return, which is clearly not an original feature of the building, did when it was installed.

11. The double glazed panes of the replacement windows and the doors are not apparent from the street because the central section is set well back behind a mainly grassed forecourt and do not affect the character and appearance of the KSCA. The units installed reflect the need to improve the energy efficiency of the building and do not, in this instance and given the specific circumstances of the building, have a significant adverse effect on its architectural and historic interest.

12. The replacement windows and the doors, when installed, were clear varnished, and the bay window was stripped back at the same time and also clear varnished. This brought attention to the alterations because there is a significant visual difference between white painted and varnished timber. To overcome this particular concern the Council has suggested that a condition could be imposed to require that the replacement and new fenestration be painted in an agreed colour. By the date of the site visit the fenestration, and the bay window, had been painted in an appropriate, slightly off, white colour. The retention of this colour of paint, by imposition of a condition, overcomes this concern of the Council.

13. Taking all of the aforementioned factors into account the works that are the subject of the enforcement notice have not adversely affected the architectural and historic interest of the listed building or the character and appearance of the Kings Sutton Conservation Area. The works do not thus conflict with policies BN5 and R1 of the West Northants Joint Core Strategy or with policies in the South Northamptonshire Local Plan, and paragraphs 133 and 134 of the National Planning Policy Framework are not engaged. The ground (e) appeal thus succeeds and listed building consent has been granted, subject to a condition, for the insertion of a door at the ground floor front of the building and the replacement of windows with double glazed, varnished wood framed windows at Premises known as Home Farm, Bulls Lane and 1 Richmond Street, Kings Sutton. The ground (g) appeal does not therefore need to be considered.

14. The Council referred in their statement to another appeal decision but the circumstances of that case are not the same as they are in this decision and, in any event, it is a well-established planning principle that works or development must be considered on their individual merits.

John Braithwaite

Inspector