



Appeal Decision

Site visit made on 3 April 2018

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

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

Decision date: 12 April 2018

Appeal Ref: APP/Z4310/F/17/3181146

Knolle Park (Saint Gabriel's Convent), Beaconsfield Road, Liverpool L25 6HT

- 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 St Gabriel's (Liverpool) Limited against a listed building enforcement notice issued by Liverpool City Council.
- The enforcement notice was issued on 3 July 2017.
- The contravention of listed building control alleged in the notice is damage to interior and exterior of listed building, including the removal of internal fixtures and fittings.
- The requirements of the notice are:
 1. Roof
 - a. Covering
 - (i) Over any gaps in the roof covering securely fix slates to match existing with non-ferrous nails to suitable battens laid on a breathable membrane (DuPont Tyvek or similar in quality) and carry out general slate roof repairs to ensure any loose slates are properly secured as necessary. Renew any defective soakers and flashings in Code 4 lead. Leave the roof sound and weatherproof upon completion and make good all disturbed works.
 - (ii) Carry out repairs / replace the existing flat roof covering to the rear section of the roof; ensure all joints, edges and upstands are watertight.
 - (iii) Ensure the rainwater goods are left free running and in a sound condition on completion.
 - (iv) Prepare all new / replacement cast iron gutters and down pipes for decoration and apply a suitable rust resistant primer or red oxide paint followed by two coats of black metalwork paint.
 - b. Lantern light above Internal Lightwell and Dome above Entrance Hall
 - (i) Repair and where necessary replace the metal frame of the lantern light.
 - (ii) Re-glaze the lantern light using safety glass.
 - c. Lantern light above main staircase
 - (i) Repair and where necessary replace the metal frame of the lantern light.
 - (ii) Re-glaze the lantern light using safety glass.
 - d. Roof lights
 - (i) On slate sections of the roof, repair / replace all metal and timber roof lights and re-glaze as necessary to ensure they are watertight. The roof lights shall be conservation standard i.e. powder-coated metal with a central mullion; be rectangular in shape, with the longest side as a vertical. They shall sit flush with the slate roof covering.
 - (ii) On the flat roof section of the roof, repair / replace all roof lights and re-glaze as necessary to ensure they are watertight.
 2. Windows
 - a. Sliding Sash Windows
 - (i) Repair all the existing timber sliding sash windows to all external elevations of the main 19th century house (hatched in black on the attached plan) and where necessary re-instate existing timbers to

- match existing and/or damaged sections, including mouldings and beads, using sound new timber.
 - (ii) Remove all broken panes of glass and replace with single glazing to match; fix using putty.
 - (iii) Prepare all external joinery for decoration, prime and paint using two coats of suitable off-white woodwork paint.
 - (iv) Where necessary, re-cord and re-balance sash windows, using weights of appropriate size leaving each window able to open and close freely.
 - b. Internal light well casement windows
 - (i) Repair internal casement windows at first floor facing the internal lightwell using timber; and
 - (ii) Re-glaze these windows with glass to match the details shown on photograph 1 attached.
 - (iii) Repair internal casement windows at second floor facing the internal lightwell using timber; and
 - (iv) Re-glaze these windows with glass to match the details shown on photograph 2 attached.
 - c. Dome/ Internal Lightwell at First Floor Level Above Main Entrance Hall
 - (i) Carefully remove all debris on the exterior of the dome.
 - (ii) Repair the dome where necessary using timber to match in both section and detail, the existing frame.
 - (iii) Replace all curved, decorative, etched and painted glass in the refurbished dome to match in section, curvature pattern and colours, the glazing shown in photograph 3 (taken on 27th May 2011) and photographs 4 and 5 (taken in March 2017) copies of which accompany this Notice.
 - (iv) Repair all decorative plasterwork around the inset panels to exactly match photograph 6 (taken in March 2017) accompanying this Notice.
 - (v) Repair the egg and dart beading surrounding each window opening in the dome to exactly match photograph 6 (taken in March 2017) accompanying this Notice.
 - (vi) Repair the decorative upstand encircling the interior of the dome at ceiling level to exactly match photograph 6 (taken in March 2017) accompanying this Notice.
 - d. Laylights (horizontal internal windows) over main staircase
 - (i) Repair as necessary using timber to match existing / damaged sections using sound new timber.
 - (ii) Re-glaze only broken / cracked panes in opaque single glazing to match existing in thickness and surface design.
 - e. Casement windows at second floor level on rear elevation
 - (i) Repair and where necessary re-instate existing timbers to match existing and/or damaged sections, including mouldings, using sound new timber.
 - (ii) Remove all broken panes of glass and replace with single glazing to match; fix using putty.
- 3. Staircases
 - a. Main staircase (01)
 - (i) Replace balustrade to main staircase (01) between ground and first floor, with cast iron decorative balusters and a continuous moulded timber handrail to exactly match the design shown in photographs 7 and 8 (taken on 27th May 2011) accompanying this Notice.
 - b. Secondary staircase (02)
 - (i) Replace balustrade to rear staircase (02) between ground and second floor, with cast iron decorative balusters and a continuous moulded timber handrail to match the design shown in photographs 9 and 10 (taken on 27th May 2011) and with a timber newel post matching the design shown in photograph 11 (taken in March 2017), accompanying this Notice.
- 4. Plasterwork
 - (i) Repair all decorative plasterwork to walls, ceilings and cornices to

exactly match the surviving detail of each plasterwork feature in each room respectively, in terms of design, profile and materials (whether gypsum or lime based or a combination).

5. Fixtures and fittings
 - a. Radiator cover
 - (i) Repair and replace the marble cover top and the cast iron sides of the radiator cover positioned at the bottom of the main staircase case (01) at ground floor to exactly match the details shown in photograph 12 (taken on 27th May 2011) accompanying this Notice.
 - b. Cupboards
 - (i) Repair cupboards in ground floor rear room labelled as 'dining room' on plan 2, accompanying this Notice, using timber to match the remainder of the cupboards.
 - (ii) Ensure sliding cupboard doors and drawers are all in good working order.
 6. Drying of Interior
 - a. Remove all carpets and vinyl floor coverings from the building.
 - b. Dry all internal rooms using commercial de-humidifiers.
 - The period for compliance with requirement 6(a) is two weeks, with requirement 1 is one month, with requirement 2(a) is two months, with requirements 2(b) and 6(b) is three months, with requirements 2(c), (d) and (e) and requirements 3 and 5 is six months, and with requirement 4 is eight months.
 - The appeal is made on the grounds set out in section 39(1)(h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
-

Decision

1. The listed building enforcement notice is varied by the deletion of the periods for compliance with the requirements of the notice in the fourth schedule and the substitution instead of 'Two months for requirement 1(a) and fifteen months for all other requirements'. Subject to this variation the listed building enforcement notice is upheld.

Reasons

2. A ground (h) appeal is made when the Appellant considers that the periods for compliance with the requirements of the notice fall short of what should reasonably be allowed. The only documentary evidence submitted in support of the ground (h) appeal is a 'Summary of Actions and Proposed Mitigations' which provides an estimated programme and timescale for each of the requirements of the notice. In a note to the document it is stated that "Overall construction duration is expected to be 15 months...".

3. It was noted at the site visit that the interior of the building is not suffering damage by the ingress of water through the roof. However, the building must be surveyed and any defects to the roof, which is one of the subjects of requirement 1(a), must be repaired as a matter of urgency. One month, as set out in the periods for compliance, is not a reasonable period for these works. A reasonable period would be two months and the notice has been varied accordingly.

4. The enforcement notice states a compliance period for each of the requirements of the notice. In this regard the notice is over prescriptive, particularly given the nature of some of the works required. For instance, requirement 1(b)(ii) relates to the re-glazing of a dome lantern light above the entrance hall. Photographic evidence indicates that the glass is curved in both directions and patterned. Three months, the compliance period for this element of

the works, is wholly inadequate to procure, design, manufacture and install glass of this complexity. Similarly, procuring, manufacturing and installing cast iron balustrading to the main and secondary staircases is unlikely to be achieved within a compliance period of six months.

5. Given the extent, complexity and variety of the works required to be carried out, and that these works are likely to be undertaken whilst the building is undergoing conversion to apartments, it is reasonable for there to be a compliance period for the entirety of the works, save for a separate compliance period for roof works as mentioned above. This will enable the Appellant to properly plan and execute the works. Given the extent, complexity and variety of the works eight months, the longest of the separate compliance periods in the notice, is inadequate. Fifteen months, as noted in the 'Summary of Actions and Proposed Mitigations' is, as a matter of planning judgement, a reasonable compliance period.

6. The ground (h) appeal thus succeeds and the listed building enforcement notice has been varied by the deletion of the periods for compliance with the requirements of the notice in the fourth schedule and the substitution instead of 'Two months for requirement 1(a) and fifteen months for all other requirements'.

John Braithwaite

Inspector