
Appeal Decision

Site visit made on 30 August 2018.

by Stephen Brown MA(Cantab) DipArch RIBA

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

Decision date: 06 November 2018

Appeal Ref: APP/K0235/F/17/3181296

Shrubbery Farmhouse, Shrubbery Farm, Kimbolton Road, Wilden MK44 2PJ

- 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 by Robert Snell against a listed building enforcement notice issued by Bedford Borough Council.
- The enforcement notice, ref. 16/00357/LBS, was issued on 20 June 2017.
- The contraventions of listed building control alleged in the notice are:
 - (i) Replacement of 10 no. timber vertical sliding sash windows on the south-west elevation and replacement of 1 no. timber vertical sliding sash window on the first floor of the north-east gable end.
 - (ii) Removal of pebbledash render from the historic elevations shown in green on the plan attached in Appendix 4 including the south-west elevation, the south-east gable end, the north-east gable end including the south-east historic section of the wing and the apex of the northwest gable end.
 - (iii) Erection of satellite dish on south-east gable, CCTV and lights on south-east gable end, south-west elevation, north-west gable end and north-east gable end.
- The requirements of the notice are to:
 - (i) Remove windows numbered 1-10 on the south-west elevation and 1 window numbered 1 on the north-east gable end (as identified on the attached plan marked as Appendix 2) and replace them with timber, single glazed, traditionally weighted, vertical sliding sash windows with integral glazing bars and glazing fixed in place with linseed putty. The glazing layouts and sash proportions must match those shown on the drawings and the sectional drawing provided for detail in Appendix 3 A & 3B. The windows shall be painted inside and out with two coats of white gloss paint following application of primer and undercoat suitable for timber.
 - (ii) EITHER:
 - (A) Reinstate the pebbledash render to the historic elevations shown in green on the plan attached in Appendix 4 including the south-west elevation, the south-east gable end, the north-east gable end including the south-east historic section of the wing and the apex of the northwest gable end, taking the following steps:

Step 1: Expanded stainless steel mesh shall be fixed to the walls in accordance with the manufacturer's specification. Wherever possible, fixings shall be made in the timber frame rather than in the brickwork.

Step 2: Apply a base coat using a mix of the following proportions — 1 part Portland cement: 4 parts washed plastering sand. This coat shall be suitably keyed to accept a floating coat and left to dry for no less than 48 hours.

Step 3: Apply a floating coat using a mix of the following proportions — 1 part Portland cement: 1 part hydrated lime: 6 parts washed plastering sand.

Step 4: While the floating mix is still soft apply:

Preparatory coat — soft, adhesive coat of 1 part Portland cement: 1 part hydrated lime mix

Step 5: While the preparatory mix is still soft, cast on a clean well-graded aggregate with the largest being no greater than 5mm.

OR

(B) Apply a smooth lime render to the historic elevations shown in green on the plan attached in Appendix 4 including the south-west elevation, the south-east gable end, the north-east gable end including the south-east historic section of the wing and the apex of the northwest gable end, taking the following steps:

Step 1: Expanded stainless steel mesh shall be fixed to the walls in accordance with the manufacturer's specification. Wherever possible, fixings shall be made in the timber frame rather than in the brickwork. Step 2: Apply a base coat of lime render up to 9mm thick using a mix of the following proportions — 1: part lime putty: 2.5 parts clean and dry well-graded sand and 5kg of hair per cubic metre of mix.

Step 3: While still soft scratch the base coat for next application and leave to dry.

Step 4: Prior to application of floating coat, the base coat should be brushed down and thoroughly dampened.

Step 5: Apply the float coat up to 9mm thick using a mix of the following proportions - 1 part lime putty: 2.5 parts clean and dry well-graded sand and 3kg of hair per cubic metre of mix.

Step 6: Once firm, but not dry, float coat should be scoured with a wood or polyurethane float. This should be repeated several times to prevent shrinkage and then lightly scratched to provide a key for the next coat. Leave to set to semi-hard.

Step 7: Apply the finishing coat between 6-8mm thick using a mix of the following proportions — 1 part lime putty: 2.5 parts clean and dry well-graded sand. Trowel on and allow to firm up slightly before scouring and polishing with a float to give a slightly rough, open texture. Allow to dry.

Step 8: Dampen the wall prior to application of limewash.

Step 9: Apply thin coat of white limewash — this can either be made by diluting lime putty with water (approximately 1 part putty: 2 or 3 parts water) and sieved to remove the lumps or a ready-made lime putty based limewash may be used. The limewash should have the consistency of single cream. Apply to surface with a wide, long-bristled brush working it well into the surface.

Step 10: Allow 24 hours between coats and repeat 4 to 5 times.

- (iii) Remove the satellite dish and security lights and all associated cables, fixtures and fittings, both internally and externally on the south-west elevation, south-east gable end, north-east gable end and north-west gable end. Following their removal the fabric shall be made good in like-for-like materials and finished to match the surrounding fabric.

- The period for compliance with the requirements is 3 months.
 - The appeal is made on the grounds set out in section 39(1)(a), (e), (g) and (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
-

Decision

1. The appeal is allowed to the limited extent on ground (h), and it is directed that the listed building enforcement notice be varied by:

DELETION of 3 months and the SUBSTITUTION of 6 months as the period for compliance.

Subject to this variation the appeal is dismissed and the listed building enforcement notice is upheld. Listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Preliminary matters

2. Shrubbery Farmhouse is a Grade II listed building, and I have therefore had special regard to the desirability of preserving the building or any features of

special architectural or historic interest which it possesses, as required by s.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act).

3. In the listed building enforcement notice and in their appeal statement the Council refer to various development plan policies that include aims to protect heritage assets. I should make clear that the development plan is not determinative in listed building cases. However, I shall take such policy as indicating the Council's stance on heritage matters.

Background matters

4. The Farmhouse lies in open countryside, where there is a dispersed pattern of farmsteads and small villages. It is a two-storey house of brick and timber construction with a tiled roof. The plan and roof forms are complex, reflecting much change during the lifetime of the house. In 1986 listed building consent was granted for the erection of a new extension and alterations¹.

The appeal on ground (a)

5. This ground is that the building is not of special architectural or historic interest. The appellant argues that the Farmhouse – which dates from the mid-18th century – has been much altered and extended, with significant alterations throughout the 19th century. There was also further re-building and re-facing in the early 20th century, and substantial extension in the later part of that century.
6. The building was added to the list in Grade II in August 1983, in recognition of its special architectural and/or historic interest. By this time the majority of alterations described by the appellant had already been made. Although the original L-plan has been obscured, and the internal layout significantly altered particularly on the first floor, the principal elevations to the south-west, south-east and north-west have been retained, largely and despite more recent alterations, in what must be their 19th century overall form. The building as a whole continues to be of special interest, not least as an example of an earlier building that has been essentially re-cast as a 19th century building.
7. I consider Shrubbery Farmhouse is clearly of architectural and historic interest. The appeal on ground (a) therefore fails.

The appeal on ground (e)

8. This ground is that listed building consent ought to be granted for the works. In this regard I consider the main issue to be the effect of the alleged unauthorised works on the special architectural and historic interest of the listed building.
9. Paragraph 193 of the 2018 National Planning Policy Framework (NPPF) makes clear that when considering the impact of development on the significance of a designated heritage asset – such as a listed building – great weight should be given to the conservation of the asset.
10. Regarding the windows subject of the enforcement notice, the appellant had confirmed – during a meeting with the Council concerning pre-application advice on listed building works – that all the windows had been replaced after

¹ Listed building consent ref. 85/02261/LBC.

he had bought the house. I saw that many of them are of a different overall pattern, in terms of numbers of panes - some are 12 over 12 panes instead of 6 over 6, others are 6 over 6 instead of 4 over 4. These differences can be seen when comparing the existing situation with the approved drawings for the 1986 listed building consent, before the more recent changes were made.

11. I also saw that the windows in question are of a highly unusual design. The sash boxes themselves are of a plastic material. These are surrounded with timber reveals, cills, and external facings of timber standing proud of the surrounding wall faces – somewhat similar to the architraves of internal doors. There are also timber facings internally.
12. The heads, stiles and meeting rails of the sashes are of similar size to those of traditional double-hung sash windows. The sash bottom rails are of a narrower section than usually seen on traditional sash windows. The glazing bars are T-shaped with planted internal beads to retain the double glazed units. The bars are square edged, and I estimated they are roughly 35-40mm wide on face. They are also of considerable depth as a result of the double-glazing. I noticed that the external timber facings of windows 6, 7, 8 and 9 on the south-western elevation have particularly wide external timber facings some 100-120mm wide. In my opinion it is highly unlikely that these windows are similar to those they replaced.
13. As a result of the particularly wide and deep glazing bars of more or less rectangular profile, and the timber facings, the windows have a clumsy appearance. The combination of the plastic sash-boxes with timber facings and cills also results in a somewhat makeshift effect. This is in distinct contrast to the elegant details that are seen in traditional double-hung timber sash windows, often set back from the wall face, with narrow glazing bars - moulded internally - and puttied single glazing. I consider the windows enforced against are a prominent and highly incongruous feature within what would in most other respects be a well preserved example of a large 18/19th century farmhouse.
14. I turn now to the removal of pebbledash render from parts of the building. It is clear from the list description that at the time of listing the external walls were finished in pebbledash and colour-washed brick. There is no dispute before me that this render has been removed. In fact, the appellant suggests that its removal has been beneficial in that the cement based pebbledash/render, probably dating from the 1950s or '60s, may have been damaging to the historic fabric, and that the historic development of the house is better revealed, adding interest to its significance.
15. I agree that a cement based render does not allow walls to 'breathe', and therefore dry out naturally, and is unsatisfactory on a building of this age and type of construction. However, the construction of the exterior walls comprises timbers of relatively slim section, with cross-bracing – akin to studwork – infilled with brickwork. It is unlikely that construction of this sort would have been left open to view, with no protective outer layer. I do not consider its exposure makes any contribution to the significance of the house, and indeed causes harm to its special interest. Furthermore, the exposed timbers are predominantly of softwood, and without external protection will be vulnerable to rot and erosion.

16. Under s.38(2) of the Act a listed building enforcement notice shall specify the alleged contravention and require such steps as may be specified in the notice to be taken for restoring the building to its former state. In this case reinstatement of the pebbledash would probably return the building to its state at the time of listing. Furthermore, it would probably be more damaging to the fabric for the walls to be left unprotected, than to reinstate pebbledash render that included a proportion of Portland cement. On the other hand the notice provides an alternative, to coat the walls in lime render with a limewash finish, which would be a much preferable outcome from the point of view of long-term preservation of the building.
17. Regarding the satellite dish, CCTV installation, light fixtures and associated cabling on the exterior of the house, all these items are incongruous features that in terms of form and materials are alien introductions to this historic building. The satellite dish in particular is highly prominent on the south-eastern elevation. Together, these items constitute external clutter that is a distraction from the appearance of the historic fabric, and cause harm to the special interest of the building.
18. While it may be desirable to have external lighting and CCTV cameras for security purposes in this quite isolated location, there are other solutions available to such problems that would not entail fixing incongruous objects to the outside of a listed building. As to the satellite dish, I do not consider such an out of place installation can be justified as a further evolution of the historic building.
19. The harm caused by the various elements enforced against must be seen as less than substantial harm in the terms envisaged by paragraph 196 of the NPPF. However, in this case the works enforced against provide no public benefit to weigh against this harm, and the building is essentially already secure in its original – and optimal – viable use.
20. I conclude on the main issue that the works enforced against cause significant harm to the special architectural and historic interest of the listed building. The appeal on ground (e) therefore fails.

The appeal on ground (g)

21. This ground is that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out. The appellant argues that the steps required by the notice go beyond reinstatement, and include conjectural, incorrect, and unjustified works.
22. Regarding the windows, it is apparent that the existing windows are replacements installed by the appellant. Furthermore, they are of such unusual detailed design that it is highly unlikely they replicate details of those previously existing. There is a strong likelihood that previously there were traditional sash windows, for which design details had become more or less standardised in the 19th century. As a matter of fact and degree, there can be little that is conjectural or incorrect about the requirement to reinstate sash windows of the pattern shown on the drawings attached to the listed building enforcement notice..
23. Furthermore, there is good evidence, including confirmation by the appellant, that the external walls were previously finished in pebbledash. While

reinstatement with lime render and limewash may be a more elaborate process than pebbledash, this is as an alternative – preferable in my view - and the appellant may still choose to restore to the former state of pebbledash.

24. The requirement to remove the satellite dish, CCTV equipment, and external light fixtures is no more than restoring the building to its state prior to the installation.
25. I conclude that the requirements of the notice do not exceed what is necessary for restoring the building to its condition before the works were carried out. The appeal on ground (g) therefore fails.

The appeal on ground (h)

26. This ground is that that the period specified in the notice as the period within which any step required by the notice is to be taken falls short of what should reasonably be allowed. The appellant says that the 3 month period allowed is too short.
27. It appears to me that three months may be required to obtain quotations, appoint a suitably qualified contractor, and allow a period for obtaining materials and manufacture of the windows. A further period of 3 months would be reasonable to carry out the works, giving a total period of 6 months.
28. I appreciate that progress of the works might be affected by inclement weather conditions, particularly in the winter months. S.38 (5)(b) of the Act provides that the local planning authority may waive or relax any requirement of a notice and, in particular, may extend the compliance period. If a proper justification for a cause of delay were established by the appellant, I see no reason why the Council would not extend the compliance period. The appeal therefore succeeds to the limited extent on ground (h).

Conclusions

29. For the reasons given above, and having regard to all other matters raised I conclude that a reasonable period for compliance would be 6 months. I am varying the listed building enforcement notice accordingly, prior to upholding it. The appeal succeeds to the limited extent of ground (h).

Stephen Brown

INSPECTOR