



Appeal Decision

Site visit made on 20 August 2019

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

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

Decision date: 22 August 2019

Appeal Ref: APP/W4705/F/18/3212967

12 Melbourne Place, Bradford BD5 0JA

- 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 M Tayyib against a listed building enforcement notice issued by City of Bradford Metropolitan District Council.
 - The enforcement notice was issued on 23 August 2018.
 - The contravention of listed building control alleged in the notice is the construction (in approximately 1984) of a box dormer to the front roof plane of the building.
 - The requirements of the notice are 1. Remove the front box dormer from the front roof plane of the building; 2. Remove all arising materials from the land; 3. Construct a pitched dormer to the front roof plane of the building as follows: 3.1 it shall measure no greater than 1.2 metres in width, 2 metres in depth measured from the edge of the existing roof of the building; and no greater than 1.7 metres to the height of the pitch from the existing roof slope; 3.2 the pitched roof shall be covered in natural stone slates to match the existing roof of the building; 3.3 the cheeks shall be constructed of timber and glass; 3.4 the front window shall be a timber framed casement, top opening (as shown on the attached photograph of 14 Melbourne Place dated 05/05/92 and numbered 2) and constructed of timber glazing panels and clear glass; 3.5 it shall be similar in appearance to the pitched roof dormer on the front roof of 14 Melbourne Place as shown on the attached photograph numbered 2; 3.6 it shall be sited on the front elevation of the roof of the building approximately 2.5 metres between each chimney stack on the building so that it is sited on the roof equally spaced between the two first floor windows on the front elevation of the building; and 3.7 in accordance with the details shown on the attached drawing titled "Replacement Front Dormer as required by Listed Building Enforcement Notice at 12 Melbourne Place, Bradford BD5 0JA"; 4. Make good the roof of the building by covering the area where the box dormer was sited with natural stone slates, interlinking and laid weathered side upwards and in diminishing courses to match the existing roof of the building; and 5. Make good any damage caused to the building as a result of compliance with the requirements of this notice.
 - The period for compliance with the requirements is six months.
 - The appeal is made on the grounds set out in section 39(1)(b) and (c) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The appeal is allowed and the listed building enforcement notice is quashed.

Reasons

2. The Appellant maintains that the dormer that is the subject of the enforcement notice has replaced, on a like for like basis and following a fire, a dormer that was in place when the appeal dwelling, together with the adjoining dwelling, 14 Melbourne Place, was first listed as a Grade II listed building on 9

August 1983. He has made ground (b) and (c) appeals but they are, in essence, the same and will be considered together.

3. 12 Melbourne Place is a two storey plus attic semi-detached dwelling. The listing description mentions 'Two dormers' but makes no further comment on these features of the building. The listed building retains two dormers; that at no. 14 is small with a pitched roof and that at the appeal property is large with a flat roof. The Council "...are of the opinion that at the time of listing, the two dormers referred to in the listing description will have been the small glazed pitched style dormers, both being the same as the one..." at no.14, that "...the large box style dormer is likely to have been constructed after the listing was made...", and that the large box dormer was constructed in 'approximately 1984'.

4. There is no evidence to support the Council's assertions that the box dormer was constructed after the building was listed. Their assertions are, in this regard, conjecture. It is convenient that, as they suggest, the box dormer was constructed in 'approximately 1984', this being after the date of listing. Though it is indeed likely that the listed building originally had two small dormers, there is no evidence to support any opinion on the date of construction of the box dormer. The listing description mentions 'two dormers' and there are two dormers on the front roof plane of the building. In the absence of evidence on the date of construction of the box dormer it is reasonable and fair to conclude that the two dormers in place on the date of listing were the former box dormer at the appeal dwelling and the small dormer that remains in place at no. 14.

5. From photographic evidence the rebuilt dormer is not materially different to the dormer it replaced and the works carried out after the fire did not affect the character or special architectural and historic interest of the listed building as it was when listed in August 1983. The works carried out following the fire in 2016 do not constitute a contravention of listed building control. The appeal thus succeeds and the listed building enforcement notice has been quashed.

John Braithwaite

Inspector